

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.5367 OF 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner states that he is the absolute owner and physical possessor of the schedule property admeasuring Acs.1.00 guntas in Survey No.1371/D situated in Siwar of Kolonoor, V/o Odela Mandal, succeeded from his father J.Malla Reddy, who died on 06.08.1999. He was enjoying the said property after mutual consent given by his own brothers and cultivating the said land for the last 18 years without any interruption. He got the pattadar pass book in respect of the said land. The petitioner intended to sell the property and approached the second respondent, and when the second respondent refused to receive and register the same on the ground that there is a suit filed against the petitioner vide O.S.No.66 of 1999 on the file of the Junior Civil Judge, at Sultanabad seeking relief for injunction, the writ petition is filed seeking a direction to the second respondent to receive and register the document.

It is needless to observe that when a properly drafted document is presented for registration complying with all formalities, the second respondent has no alternative except to receive the said document and he cannot refuse to receive the document.

In the circumstances, the writ petition is disposed of directing the second respondent to receive the document, if any, presented by the petitioner and take action in accordance with the provisions of the Registration Act. If the second respondent cannot register the said document for any reason, he has to make an endorsement to that effect and pass an order in accordance with Section 71 of the Registration Act.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

20.02.2018
pln

