

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.5729 of 2018

Order:

The petitioner states that originally her husband namely Venkata Swamy purchased the open plot admeasuring 372 sq. yards, situated at Padma Rao Nagar, Hamal Basthi, Secunderabad, under a registered sale deed dated 20.12.1974 and, subsequently he constructed a residential house by obtaining necessary permission from the authorities concerned and house number was allotted to the said premises bearing H.No.6-1-190/7. Her husband died in the year 1998 and after his demise the said property was devolved on her and her children. Since she is aged about 86 years and not keeping good health, she intends to partition the above said property between her children and she approached the third respondent for registration of the partition deed. When the third respondent refused to register the same, she filed the present Writ Petition.

It is needless to observe that when a properly drafted document is presented for registration complying with all formalities, the respondents 2 and 3 have no alternative except to receive the said document and they cannot refuse to receive the document.

In the circumstances, the writ petition is disposed of directing the respondents 2 and 3 to receive the document, if any, presented by the petitioner and take action in accordance with the provisions of the Registration Act. If the respondents 2 and 3 cannot register the said documents for any reason, they have 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

Date: 21.02.2018

Note:
Issue CC by 26.02.2018
(B/O)
Nsr

