

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.7352 of 2018

Order:

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

The petitioner states that the land of an extent of Ac.4-94 cents, situated in Survey No.347/1 of Polipalli village, Bhogapuram Mandal, Vizianagaram District, was assigned in favour of his father under Ex-Servicemen quota through assignment in D-Form patta dated 28.11.1974 and his father's name was mutated in the revenue records. After the death of his father, the petitioner succeeded to the said property and has been in possession and enjoyment of the same. When the petitioner intends to sell the said property and approached the fourth respondent for registration, he refused to entertain the same on the ground that the subject land is an assigned land and is included in the list of prohibited properties. Aggrieved by the same, the present writ petition is filed contending that as per G.O.Ms.No.1117, Revenue (ASSGN-I) Department, dated 11.11.1993, G.O.Ms.No.279 dated 04.07.2016, the Ex-servicemen are entitled to alienate the land assigned to them after the lapse of 10 years from the date of assignment and the said land should be deleted from the list of prohibited properties under Section 22-A of the Registration Act, 1908.

It is needless to observe that when a properly drafted document is presented for registration complying with all formalities, the fourth 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 fourth 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 fourth 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.

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A. RAMALINGESWARA RAO, J

Date: 07.03.2018

Nsr

