

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.8005 of 2018

Order:

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

The petitioner states that he is the absolute owner and possessor of the land admeasuring Ac.3-00, situated in Survey No.140/1 of Pothulamadugu village, Bhoothpur Mandal, Mahaboobnagar District, having purchased the same under a registered sale deed dated 27.11.2006 from one Chakali Bhushamma, w/o late Chakali Kurmanna. His name was mutated in the revenue records by proceedings dated 09.05.2007 and pattadar passbook and title deeds were issued in his favour. He also states that originally the said land was assigned to Chakali Kurmanna under Ex-Servicemen quota on 11.11.1996. As per G.O.Ms.No.1117, Revenue (Assignment-I) Department, dated 11.11.1993, the Ex-servicemen who were assigned with any land by the Government are free to sell their assigned land after lapse of ten years. Accordingly, after his death and after lapse of ten years stipulated period, the said land was sold to the petitioner. When the petitioner intends to sell the said land to some third parties and presented the document for registration, the third respondent is insisting for No-objection Certificate from the second respondent. Challenging the same, he 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 third 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 third respondent to receive the document, if any, presented by the petitioner and take action in accordance with the provisions of the Registration Act, without insisting for NOC. If the third 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.

Date: 12.03.2018
Nsr

A.RAMALINGESWARA RAO, J

