

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.8714 OF 2018

ORDER:

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

The petitioner states that the Settlement Officer, Nellore granted ryotwari patta in favour of one P.Muni Reddy in respect of land in an extent of Ac.1.8 cents and Ac.0.47 cents in Survey No.144/16 situated at Koramenugunta. The petitioner purchased the above property from the said P.Muni Reddy under registered sale deed in the name of his wife. After the death of his wife, the petitioner succeeded to the said property. When the petitioner wanted to alienate the said land, he approached the 3<sup>rd</sup> respondent for registration. The 3<sup>rd</sup> respondent refused to receive and register the document on the ground that the settlement patta granted by the authorities has not been implemented in the Revenue Records and the above land is Government land.

The petitioner also states that once ryotwari patta is granted by the competent authority Under Section 11(a) of Estates Abolition Act, 1948, the said land ceased to be Government land and the same has to be treated as a patta land. Further the subject property has not been notified Under Section 22-A(1) (e) of Registration Act. The subject land does not fall in any one of the prohibited property categories.

Challenging the said action of the 3<sup>rd</sup> respondent in refusing to receive the documents presented by the petitioner for registration, the present Writ Petition is being filed.

It is needless to observe that when a properly drafted document is presented for registration complying with all formalities, the 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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.

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: 16.03.2018

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