

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.8732 OF 2018

ORDER:

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

The petitioners state that they are the legal heirs of their father Sri Orsu Venkata Ramulu who is the absolute owner and possessor of land in an extent of Ac.3.20 guntas in Survey No.129/35, Shaikpet Village, Banjara Hills. Their father got the said property by virtue of a Gift deed dated 25.07.1971 executed by his father-in-law Sri D.Yellaiah, who in turn purchased the property from Dr.Shyad Hussain for a valuable sale consideration on 15.7.1952. The name of the father of the petitioners was entered in the Revenue Records. After the death of their father who died intestate on 10.5.2006 leaving behind the petitioners and their mother, their mother also expired on 21.5.2012 and the petitioners are the only legal heirs to succeed to the above said property. The petitioners prepared a partition deed on 11.9.2007 and when they approached the 2nd respondent to register the said partition deed, the 2nd respondent insisted to obtain a 'No Objection Certificate' and refused to receive the said document and register the same. Challenging the said action of the 2nd respondent, the present Writ Petition is filed.

It is needless to observe that when a properly drafted document is presented for registration complying with all formalities, the 2nd 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 2nd respondent to receive the document, if any, presented by the petitioners and take action in accordance with the provisions of the Registration Act. If the 2nd 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.

Date: 16.03.2018

KPM

A.RAMALINGESWARA RAO, J