

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.8712 OF 2018

ORDER:

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

The petitioner states that the land in an extent of Ac.0.06 cents in Survey No.145/4, Ac.0.07 cents in Survey .No.145/5, Ac.0.06 cents in Survey No.145/6, Ac.0.08 cents in Survey No.145/7, Ac.0.07 cents in Survey No.145/8, Ac.0.11 cents in Survey No.145/9, Ac.0.07 cents in Survey No.145/11 totally admeasuring Ac.0.52 cents situated at Koramenugunta, belongs to one late Gadiyaram Sankarachari having been purchased under registered sale deed dated 18.11.1983. The petitioner entered into an agreement with the legal heirs of said late Gadiyaram Sankarachari to purchase the above said lands. After payment of entire sale consideration, when the petitioner approached the 3rd respondent to register the documents, the 3rd respondent refused to receive and register the said documents on the ground that the settlement patta granted by the authorities has not been carried out in the revenue records and the subject lands are Government lands.

The petitioner further states that the action of the respondents in treating the subject lands as Government land even though settlement patta was granted by the Settlement Officer and

confirmed by the Commissioner of Land Administration, is illegal and arbitrary.

The petitioner also states that the subject lands do not fall in any one of the prohibited properties categories. Hence, there is no justification on the part of the 3rd respondent in not entertaining the documents presented by the petitioner for registration.

Challenging the said action of the 3rd 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 3rd 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 3rd 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 3rd 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.

A.RAMALINGESWARA RAO, J

Date: 16.03.2018
KPM