

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.8802 OF 2018

ORDER:

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

The deponent of the affidavit filed in support of the Writ Petition is the DAGPA holder of the petitioners and states that the petitioners are the lawful owners and possessors of two individual plots bearing Nos.1015 and 1016 in Survey No.145, totally admeasuring 501 square yards situated at Bhagath Singh Nagar, Phase-II, Hydernagar Village, Kukatpally Mandal, Medchal-Malkajgiri District, having purchased the same through registered sale deeds from IDPL Workers Co-operative Housing Society Limited.

As the petitioners wanted to develop the property, they entered into registered Development Agreement-cum GPA with the deponent of the affidavit filed along with this Writ Petition and accordingly, applied for building permission. While sanctioning building permission by the GHMA, it is mandatory to mortgage 10% of the total area. On 12.3.2018, as per the mandate, when the petitioners presented the mortgage deed before the 3rd respondent for registration, the 3rd respondent refused to receive the same on the ground of introduction of Telangana Ordinance No.1 of 2017 dated 17.6.2017 seeking to amend the Telangana Rights in Land and Pattadar Passbooks Act, 1971.

Challenging the said action of the 3rd respondent in refusing to receive the documents presented by the petitioners for registration, 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 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 petitioners 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