

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 29492 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus, declaring the proceedings of the District Registrar, Vizianagaram District, dated 06.08.2018 in Memo No.G1/ 602-1/ 2017, in not extending time for presentation of the document as illegal, improper and incorrect.

2) The petitioner herein is said to have purchased land to an extent of Ac.0.62 cents out of Ac.2.62 cents in Sy.No.240-3 of Modavalasa Village, Denkada Mandal, Vizianagaram District from Maddi Poli Reddy and four others. A sale deed came to be executed on 28.12.2010 and the document was presented before the Joint Sub-Registrar, Vizianagaram. The same was kept pending and finally on 21.06.2017, the Joint Sub-Registrar rejected registration of the said document as the said land was included in the prohibitory list. Against the said refusal, the petitioner preferred an appeal before the District Registrar, under Section 72 of the Registration Act, which was numbered as Appeal No.3 of 2017. Pending appeal, the Government revised the list furnished under Section 22-A of the Registration Act. In the revised list furnished by the revenue authorities, the land in Sy.No.240-3 was excluded from the prohibitory list. The Joint Sub-Registrar referred the same to the appellate authority in his letter dated 29.05.2018, about the non-inclusion of the said survey number in prohibitory list. Basing on the information furnished by the third respondent, the second respondent allowed the appeal, by his order dated 21.06.2018 and directed the third respondent to register document No.P699/ 2010, if

presented within 30 days from the date of order. The petitioner claims to have received the said order on 03.07.2018 and presented the same for registration on 30.07.2018, which was refused on the ground that the document was presented beyond the period of 30 days. The petitioner made a representation on the same day stating that the document came to be presented within 30 days from the date of receipt of copy of the order. But the same was rejected.

3) Learned counsel for the petitioner would submit that there is a *bonafide* mistake in calculating the period of 30 days. According to him, since the petitioner received copy on 03.07.2018, he thought that he can present the document within 30 days from 03.07.2018. Hence, pleads that the delay, if any, was only due to mistake in calculating the period of 30 days ie., whether it is from the date of order or from the date of receipt of copy of the order.

4) Since there is no dispute with regard to the document and its registration, the writ petition is allowed extending the time granted for presentation of the document by 20 days from today.

5) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

21.08.2018
DMG