

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 32942 of 2018

ORDER:

1) The present writ petition came to be filed seeking to declare the action of the 4th respondent in refusing to receive the documents of transfer presented by the petitioner for registration in respect of property of part of Plot No.136, admeasuring 447.7 sq.yards in Survey No. 621/ 1A situated at Balpanur Village and Gram Panchayat, Panyam Mandal, Kurnool District, without assigning any reasons and notice, as illegal and arbitrary.

2) The grievance of the petitioner is that he is absolute owner and possessor of the subject land, having purchased the same through registered sale deed in the year 2010 and his name was also recorded in the revenue records. While things stood thus, due to personal necessities, the petitioner wants to sell the subject land in favour of the third parties. As such, he approached the 4th respondent for registration of the same, who refused to receive the document presented by the petitioner, without assigning any reasons.

3) Learned counsel for the petitioner submits that though the petitioner submitted the sale deed for registration of the subject land, in the office of the 4th respondent-Sub Registrar, by complying with all requirements, no action has been taken by the 4th respondent. He further submits that no notification was also issued, prohibiting the registration of the said land.

4) Learned Government Pleader for Revenue would submit that a direction may be given to the 4th respondent, to pass appropriate orders on the document submitted by the petitioner.

5) Having regard to the facts and circumstances of the case, the writ petition is disposed of, directing the 4th respondent-Sub Registrar, to receive and process the document presented by the petitioner in respect of part of Plot No.136, admeasuring 447.7 sq.yards in Survey No. 621/ 1A situated at Balpanur Village and Gram Panchayat, Panyam Mandal, Kurnool District, if the same is in accordance with the provisions of the Indian Stamps Act and Registration Act and release the same forthwith. However, if the 4th respondent is not satisfied with the document presented by the petitioner for registration, the 4th respondent shall return the same, assigning the valid reasons, as early as possible, preferably within a period of two to four weeks from today, by giving reasonable opportunity of hearing to the petitioner and all the concerned.

6) With the above direction, the writ petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

14.09.2018
DMG