

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.39375 OF 2017

ORDER:

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

2. The petitioner states that her husband served in the Military and after his retirement, he made an application on 14.06.1972 to the Synik Welfare Officer, requesting for assignment of Ac.5.00 guntas of land. Thereafter, the then Tahsildar, issued proceedings on 20.08.1974, assigning an extent of Ac.5.00 of dry land in Survey No.13 of Tangudubilli Village, Bheemunipatnam Taluk, in favour of her husband. Since the date of allotment, her husband has been in possession and enjoyment of the same till his death on 02.08.1987 by raising Mango and cashew groves. After death of her husband, the petitioner has been in possession and enjoyment of the same. While so, the petitioner in order to perform her daughter's marriage and to clear certain debts, she intends to sell the subject property and accordingly, obtained market value certificate from E-seva. On the instructions of prospective purchasers, she approached the 3rd respondent for registration of the sale deed. When the prospective purchasers approached the 3rd respondent to enquire about the stamp duty, the 3rd respondent informed that he is not going to receive the document on the ground that the subject land is a Government land notified under Section 22-A of the Registration Act and insisted No Objection Certificate from the revenue department. Hence, the Writ Petition.

3. It is needless to observe that when a properly drafted document is presented for registration complying with all formalities, the 3rd

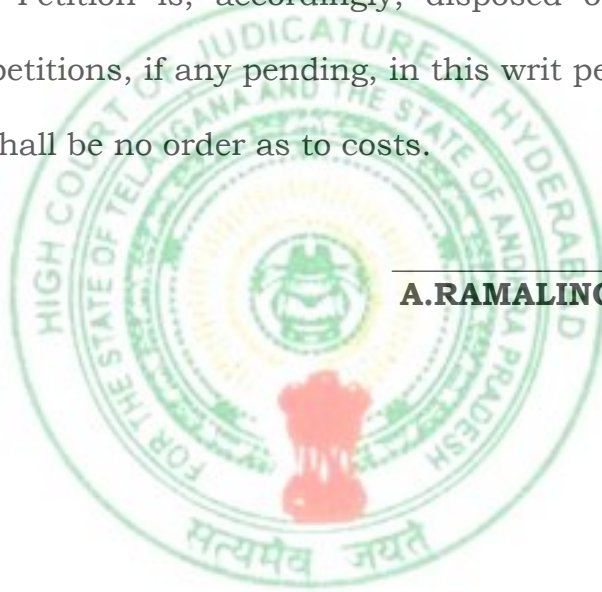
respondent has no alternative except to receive the said document and he cannot refuse to receive the document.

4. 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.

5. The Writ Petition is, accordingly, disposed of. Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed. There shall be no order as to costs.

07.03.2018
YVL

A.RAMALINGESWARA RAO, J



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Date:07.03.2018