

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.41292 OF 2017

ORDER:

Heard learned counsel for the petitioners and the learned Government Pleaders appearing for the respondents.

2. The petitioners state that the land in Survey No.154 situated at Joharapuram Village, Kurnool District, is a private patta land. After verifying the revenue records as well as sale deeds, the petitioners purchased the said property. Thereafter, the husband of the first petitioner filed a representation before the revenue authorities for mutation of property and issue of pattadar passbooks. After verifying the records, the revenue authorities issued pattadar passbooks. While so, in the year 2006, the Land Acquisition Officer issued a notification to acquire the land in the aforesaid Survey Number to issue house sites to weaker sections of the people. Thereafter, on the representation made by the husband of the first petitioner, the Revenue Divisional Officer passed orders in favour of the petitioners and since then they are in continuous possession and enjoyment of the same. Subsequently, in the year 2012 the petitioners proposed to sell the land, approached the Sub-Registrar, Kurnool, who in turn said that the land is in prohibited list as wakf land. Then the petitioners approached the Wakf Board and after verifying the documents, the Wakf Board issued No Objection Certificate stating that the land in the aforesaid Survey number is not a Wakf land. On the basis of No objection issued by the Wakf Board, the petitioners approached the Sub-Registrar to register the land, but the Sub-Registrar refused to register the same and also not taking any steps to delete from the prohibited list. Hence, the petitioners filed present Writ Petition.

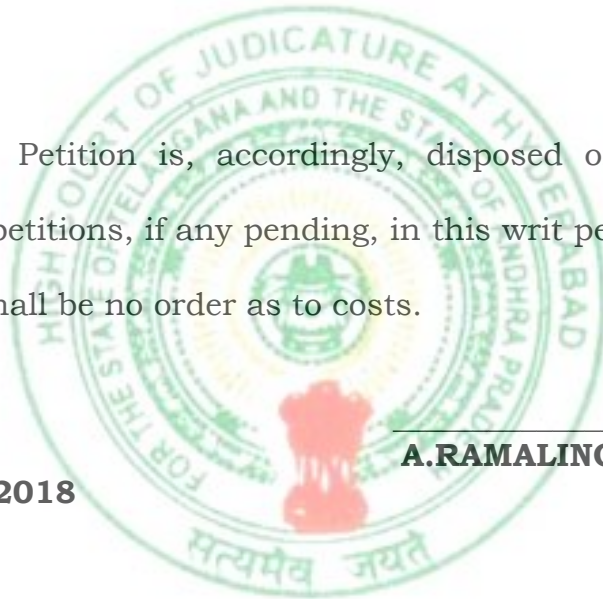
3. It is needless to observe that when a properly drafted document is presented for registration complying with all formalities, the second respondent has no alternative except to receive the said document and he cannot refuse to receive the document.

4. In the circumstances, the Writ Petition is disposed of directing the second 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 second 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.

JANUARY 23, 2018
YVL

A.RAMALINGESWARA RAO, J



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Date:23.01.2018