

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.40695 OF 2017

ORDER:

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

2. The petitioner states that originally one Narsapuram Moshanna, who is grand-father of one Perugu Raju, is the owner of house plots bearing Nos.18 to 26 in survey No.237-5 to an extent of Ac.1.23 cents situated in Mamidalapadu Village, Kurnool District. After demise of said Moshanna, the said Raju succeeded to the above property. The said Raju executed a General Power of Attorney in favour of the petitioner under a registered document No.9728/2016, dated 23.11.2016. It is stated that the subject property is ancestral property. The fourth respondent also made necessary entries in the revenue records in favour of said Raju and since then he is in continuous possession and enjoyment of the same. While so, when the petitioner wanted to sell away the property to third parties, he approached the fifth respondent for registration of sale deed. But, when the fifth respondent refused to register the same without assigning any reason and insisting No Objection Certificate from respondents 2 to 4, the present Writ Petition is filed.

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

A.RAMALINGESWARA RAO, J

JANUARY 23, 2018

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Date:23.01.2018