

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.44398 OF 2017

ORDER:

Heard learned counsel for the petitioners and the learned Government Pleader for the respondents.

The petitioners state that the first petitioner being the Karta of the family purchased an extent of Acs.15.21 cents of dry land, i.e., Acs.5.05 cents in Survey No.197-2, Acs.5.01 cents in Survey No.197-4 and Acs.5.15 cents in Survey No.197-1, situated in Kukkambakam Village, B.N.Kandriga Mandal, Chittoor District in public auction conducted by the Sale Officer of the Chittoor District Cooperative Central Bank Limited, Chittoor on 16.08.2000 in E.P.No.2583/1994-95 and the sale was confirmed on 02.01.2001. They wanted to sell their lands to meet their family expenses. They approached the fourth respondent for registration and when he refused to receive the document, the writ petition is filed.

Learned counsel for the petitioners submits that as on today, the property was not included in the Prohibition List under Section 22-A of the Registration Act and the fourth respondent cannot refuse registration merely on the basis of the communication issued by the Revenue Divisional Officer.

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

In the circumstances, the writ petition is disposed of directing the fourth 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 fourth 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.

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.

23.01.2018
pln

A.RAMALINGESWARA RAO, J

