

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.44619 OF 2017

ORDER:

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

The petitioners state that the petitioners' grandmother purchased the land to an extent of Acs.8.10 cents in Survey No.438 of Molakalacheruvu Village and Mandal, Chittoor District, from its rightful owner. They state that when the fifth respondent refused to register the documents pertaining to Survey No.435-1, their grandmother and two others, who are none other than the father of the petitioners 1 and 2 and the mother of the petitioners 3 and 4 filed W.P.No.28082 of 2013 and similarly another writ petition in W.P.No.28077 of 2013 was also filed and this Hon'ble Court allowed the writ petitions by its common order, dated 11.10.2013 directing the fifth respondent to receive and process the documents presented by the petitioners without treating the subject lands as assignment lands by considering the contents of the counter filed by the third respondent, Tahsildar, Thamballapalle. In spite of the same, the fifth respondent did not receive and register the same. In the circumstances, the writ petition is filed seeking a direction to the fifth respondent to receive and register the document.

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.

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

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

