

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.44907 OF 2017

ORDER:

The petitioner states that the land to an extent of Ac.0.13 ½ guntas in Survey No.167/A1, situated at Byathole Village, Kandhi Mandal, Sangareddy District, belongs to one Lambadi Chandya and Varthya Kishan. They were issued pattadar passbooks and title deeds by the revenue authorities. When they presented a Sale Deed before the fourth respondent on 29.11.2017, it was assigned pending Registration No.1168 of 2017 and he refused to release the document by passing an endorsement, dated 13.12.2017. The petitioner further states that the said land is neither a Government nor a prohibited land notified under Section 22-A of the Registration Act. In such circumstances, the order passed by the fourth respondent on 13.12.2017 cannot be sustained.

2. The order passed by the fourth respondent dated 13.12.2017 reads as follows:

“Sri Kurma Mallesh S/o Kurma Laxmaiah R/o H.Bo.4-52, Patalguda (V) Patancheru (M) Sangareddy District is hereby informed that the Sale Deed executed on 29.11.2017 and presented on 29.11.2017 in this office which is kept pending as No.P1168/2017 dated 29.11.2017 is refused to Registration.

A copy of refusal order recorded in Book-2 is enclosed herewith for your information.

You may prefer appeal under Section 72 of the Registration Act 1908 within 30 days of the refusal order.”

3. A perusal of the above order shows that no reason was assigned in order to prefer an appeal as directed by the fourth respondent. If the land covered by the Sale Deed is not included in the list of prohibited properties and if he has any objection with regard to registration of the said document, he should have indicated the same in the impugned Memo, dated 13.12.2017. In the absence of assigning any reason, this

Court is constrained to set aside the Memo, dated 13.12.2017 and remands the matter to the fourth respondent for passing appropriate orders in accordance with law, within a period of fifteen (15) days from the date of receipt of a copy of this order.

4. With the above direction, the Writ Petition is allowed. 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 25, 2018

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Date:25.01.2018