

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION No. 23004 of 2022

ORDER:

This writ petition is filed under Article 226 of the Constitution of India challenging the action of the 5th respondent in not receiving the documents presented by the petitioner dated 14.07.2022 vide house property in survey No.420 in an extent of Ac.02.75 cents situated at Yenumalapalli Village Puttaparthi Mandal Sri Satya Sai District as illegal, arbitrary and violation of principles of natural justice and consequently to direct the 5th respondent to receive, register and release the documents presented by the petitioner pertaining to the said subject property.

2. Heard learned counsel for the petitioner and learned Government Pleader for Stamps and Registration.

3. Contention of the learned counsel for the petitioner is that the petitioner's property was approved layout, to which the 2nd respondent also granted No Objection Certificate, as per the terms and conditions of DAR.Dis.No.860 dated 18.12.1997 prior to issuance of G.O.Ms.No.1142 dated 18.06.1954 but the 5th respondent has not entertaining to register sale deed presented by the petitioner, which is illegal and arbitrary. He further submits that the petitioner has paid requisite stamp fee in total an amount of Rs.65,300/- and presented the document on 14.07.2022, now the 5th respondent is objecting for the registration.

4. During the course of hearing, learned counsel for the petitioner also submits that the subject matter of the writ petition is squarely

covered by the order of this Court dated 23.03.2021 passed in WP No.6817 of 2021 and the same order may be passed in this writ petition.

3. Learned Government Pleader did not oppose the said submission.

4. Having regard to the facts and circumstances of the case, considering the submissions made and in the light of the above order of this Court, the 5th respondent is directed to receive and process the document presented by the petitioner pertaining to the subject property, if the same is in order as per the provisions of Indian Stamps and Registration Act and the Rules made thereunder. In the event if the 5th respondent not inclined to register the document and intends to refuse, he has to pass reasoned order as mandated under Section 71 of the Act and communicate the same to the parties, so as to enable the petitioner to prefer an appeal under Section 72 of the Registration Act.

5. With the above direction, the Writ Petition is disposed of at the stage of admission with the consent of both the parties. No costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

The Registry is directed to attach a copy of the order dated 23.03.2021 passed in WP No.6817 of 2021.

JUSTICE D.RAMESH

Dated 16.08.2022

Pnr