

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.16853 of 2015

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DATE: 06.07.2015

Between:

Chivukula Raghu

...Petitioner

and

The State of Andhra Pradesh and others

...Respondents

**COUNSEL FOR THE PETITIONER : SRI RAGHAVENDER REDDY
for SRI A.GIRIDHAR RAO**

COUNSEL FOR THE RESPONDENTS : GP FOR REVENUE (AP)

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.16853 of 2015

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ORDER:

This Writ Petition is filed for a mandamus to declare the action of respondent No.3 in not receiving document presented by the petitioner for registration in respect of land admeasuring Acs.2.14 cents situated at Nayunipalli Village, Vetapalem Mandal, Prakasam District, as illegal and arbitrary.

It is the pleaded case of the petitioner that the above mentioned property is a private property in respect of which there were several registered sale transactions commencing from 1931. That the petitioner has purchased the property under registered sale deed in the year 2006 and that when he wanted to sell the same, respondent No.3 has refused to receive the sale deed on the ground that the land is an assigned one as per oral instructions received from the Tahsildar concerned.

In my opinion, the action of respondent No.3 in not receiving the document presented by the petitioner is contrary to the procedure laid down under the provisions of the Registration Act, 1908 (for short 'the Act'). Under Section 71 of the Act, every sub-registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his book No.2, and endorse the words "registration refused" on the document; and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

Under Section 72 of the Act, an aggrieved person is entitled to file an appeal before the Registrar against an order of a Sub-Registrar.

In view of the aforesaid mandatory procedure, even if respondent No.3 has compelling reasons not to register the document,

he cannot refuse to receive the same. He shall receive the document and if he has reason to refuse registration, he shall make an endorsement for such refusal. The endorsement so made shall contain detailed reasons for such refusal. In this view of the matter, respondent No.3 is directed to receive the sale deed from the petitioner, make an endorsement thereon within one week from the date of receipt of the same and communicate the same to the petitioner. If the petitioner feels aggrieved by such endorsement, he shall be free to avail appropriate remedy under law.

The Writ Petition is accordingly disposed of.

As a sequel to disposal of writ petition, WPMP.No.21874 of 2015 filed by the petitioner for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

6th JULY, 2015.

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