

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.13698 OF 2015

ORDER:

This writ petition is filed seeking to issue a writ more particularly one in the nature of mandamus declaring the action of the respondent no.3 in not registering the sale deeds submitted by the petitioners as being illegal, arbitrary and violative of Articles 14 and 21 of the Constitution and consequently direct the 3rd respondent to register the sale deeds submitted by the petitioners, as per law and pass appropriate orders thereon in the interest of justice.

2. The case of the 2nd petitioner, who is representing other petitioners is that M/s.Golden Forest (India) Ltd., possess land in Sy. No.315/A, admeasuring Ac.7-28 guntas situated at Lingojigudem, Choutupal, Nalgonda district. That the said company has decided to transfer the subject lands to its investors towards discharge of its liability and accordingly the company has authorized the 2nd and 3rd petitioners to transfer the lands in favour of the investors of the company.

3. The grievance of the petitioners is that, as per the requirements, they have prepared necessary documents *i.e.* draft sale deeds and presented before the 3rd respondent for

assessing the market value so that the stamp duty can be paid, but the 3rd respondent instead of registering the lands in favour of the investors of the company, informed the petitioners that registration of the subject lands has been put on hold and orally refused to register the lands.

4. Heard the learned counsel for the petitioners and the learned Asst. Government Pleader for Revenue.

5. It is to be seen that under Section 71 of the Registration Act, it is mandatory on the part of the Sub-Registrar to record reasons for refusing to register a document. He cannot simply refuse, orally as in the instant case, to register a document being a statutory functionary.

6. In that view of the matter, the 3rd respondent is directed to examine the documents said to have presented by the petitioners for registration and if the documents are in order, proceed with registration, otherwise record reasons for such refusal of registration for any plausible reasons, as completed under Section 71 of the Registration Act and communicate the reasons thereof to the petitioners.

7. With the above directions, the writ petition is disposed of. Miscellaneous petitions, if any, pending in this Writ Petition shall also stand disposed of. No order as to costs.

A.RAJASHEKER REDDY, J

Dated: 17-06-2016
NRG

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