

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.20282 OF 2016

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 4th respondent in not receiving the Sale Deed executed in respect of agricultural land admeasuring Ac.1.12 cents in Survey No.455 and Ac.1.92 cents in Survey No.456 totaling to Ac.3.04 cents of Chebrolu Village, Gollaprolu Mandal, East Godavari District by the petitioner and refusing orally without assigning any reasons, as illegal and arbitrary and for a consequential direction to the respondents to register the subject land as per the Rules made under Registration Act.

Heard the learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

Section 71 of the Registration Act reads as follows:

Reasons for refusal to register to be recorded.—

(1) 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.

(2) No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

As per Section 71 of the Registration Act

(for short “the Act”), the 4th respondent is bound to receive the document and register, if the same is in order as per Stamps and Registration Act and Rules made thereunder. If he wants to refuse the registration, he has to record the reasons as envisaged under Section 71 of the Act, which is referred to supra.

In view of the above, it is open for the petitioner to present the document before the 4th respondent for registration within a period of four weeks from today and on such submission the 4th respondent is directed to receive the document presented by the petitioner if the same is in order as per provisions of Indian Stamps and Registration Act and the Rules made thereunder. If he wants to refuse

the registration, he shall record reasons and communicate the same to the parties, otherwise register the same. No order as to costs.

With the above direction, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

04.07.2016
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A.RAJASHEKER REDDY,J