

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.40865 of 2016

ORDER:

The present Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“ ... to issue a Writ, Order or Direction more particularly one in the nature of Mandamus declaring the action of the respondent No.7 and 8 communicating the agricultural lands in 193/2 admeasuring Acr.2.97 Cents of Chevuru Village of Mudinepalli Mandal, Krishna District purchased by the petitioner as prohibitory properties U/s.22-A (1) (d) of Indian Registration Act, 1908 without there being any declaration/order under the A.P. Land Reforms (Ceiling on Agricultural Lands) Act, 1975 and the consequential action of the respondent no-5 refusing to register the sale deed dated: 12.05.2016 presented by the petitioner and his vendor for registration of agricultural lands in Sy. No.193/2 admeasuring Acr.2.97 Cents of Chevuru Village of Mudinepalli Mandal, Krishna District as illegal, arbitrary, unconstitutional and against the settled principles of law and principles of natural justice and pass such other order or orders may deem fit and proper in the circumstances of the case.”

Heard learned counsel for the petitioner and Assistant Government Pleader for Revenue. With their consent, the writ petition is disposed of at the admission stage itself.

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 5th respondent is bound to receive the documents and register, if the same are 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 referred to above.

In view of the above, respondent No.5 is directed to register the document if the same is in order as per provisions of Indian Stamp Act and Registration Act and the rules made thereunder and if he intends not to register the same, he shall record reasons and communicate the same to the parties.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

25.11.2016
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