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THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3214 OF 2016

ORDER:

This writ petition is filed aggrieved by the action of the 4th respondent-Sub-Register, Kalyanadurgam, Ananthapuramu District, in insisting 'no objection certificate' (NOC) from respondents 2 and 3 to receive and register the document in respect of the land admeasuring Ac.6-00 cents in Sy.No.12 situated at Kambaduru Village and Mandal, Anantapuramu District.

2. The case of the petitioner is that he is pattadar and possessor of the land in question having acquired the same through his ancestors. That the MRO, Kambaduru, issued pattadar passbook and title deed bearing no.1053 in his favour in respect of the said land and even ROR and adangal pahani for the fasli year 1425 are in his name as pattadar in respect of the said land. That the Register of holdings maintained by the 4th respondent shows the name of Allagadda Eerappa, as pattadar of the land in question. It is stated that Allagadda Eerappa sold the land in question to Allagadda Subba Reddy and Allagadda Narayana Reddy and they in turn sold the land to the petitioner's father. That after the death of the petitioner's father, the entries in the revenue records were mutated in the name of the petitioner.

3. The grievance of the petitioner is that, due to his family necessities, he intends to sell the land in question to prospective buyers for a valid consideration and when he sought to submit the draft sale deed to the 4th respondent for verification and fixation of stamp duty and

registration fee, the 4th respondent refused to receive the document and insisted to submit NOC from respondents 2 and 3.

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

5. Learned counsel for the petitioner contended that under Section 71 of the Registration Act, the 4th respondent in case he intends to refuse to register the property, and even if he has grounds to refuse, he should specify the reasons in writing for such refusal.

6. Leaned Asst. Government Pleader for Revenue, produced the written remarks received from the 3rd respondent-Thasildar, Kambadur, and submitted that the land in question is in possession and enjoyment of the petitioner and PPB khata No.3919 is also issued in the name of the petitioner's father. It is submitted that the land in question, along with other lands, to which NOC is proposed to be granted are classified as government lands (dotted lands) as per diglot of Kambadur village.

7. It is to be seen that as per Section 71 of the Registration Act, 1908, in case the Sub-Registrar comes to a conclusion to refuse registration of a document, for plausible reasons, he should record reasons for such refusal in Book No.2 as required under sub-Section (1) of Section 71 of the Act. Section 71 of the Registration Act reads thus:-
“71. 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.”

8. In the instant case, it is the case of the petitioner that the 4th respondent orally refused to register the document in question, though according to the petitioner, the document is otherwise in order.

Inasmuch as the, the 4th respondent is required to give reasons for refusing to register a document, as detailed under sub Section (1) Section 71 the Act, the writ petition is disposed of directing the 4th respondent to receive the document for registration in respect of the land in question and scrutinize the same and record reasons as stated above, if he intends to refuse registration, otherwise register the same. Miscellaneous petitions, if any, pending in this Writ Petition shall also stand disposed of. No order as to costs.

A.RAJASHEKER REDDY, J

Dated: 30-03-2016

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