

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 37745 OF 2016

ORDER:

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

2. The present Writ Petition came to be filed with the following prayer:

“to issue a Writ, or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents No. 4 & 5 in not receiving the documents/Sale Deed presented by the petitioner relating to properties admeasuring Ac. 1.43 Cents in D.No. 302 situated at Kuragallu Village of Kuragallu Gram Panchayath Area, Mangalagiri Mandal, Guntur District and insisting No Objection Certificate (NOC) from the 2nd respondent is questioned as illegal, arbitrary and contrary to provisions of Stamps and Registration Act, 1908 and violative of Article 300-A of Constitution of India and consequently direct the 5th respondent to receive, register and release the documents of the petitioner as and when presented for registration in respect of property admeasuring Ac. 1.43 Cents in D.No. 302 situated at Kuragallu Village of Kuragallu Gram Panchayath Area, Mangalagiri Mandal, Guntur District without insisting NOC from the Revenue Authority.”

3. **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.

4. As per Section 71 of the Registration Act (for short “ the Act”), the 4th and 5th respondents are bound to receive the documents and register, if the same are in order as per Stamps and Registration Act and Rules made thereunder. If they

intend to refuse the registration, they have to record reasons as envisaged under Section 71 of the Act referred to above.

5. In view of the above, respondent Nos.4 and 5 are 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 they intend not to register the same, they shall record reasons and communicate the same to the parties.

6. 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.

Date: 03.11.2016
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C. PRAVEEN KUMAR, J