

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.35059 OF 2016

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed with the following prayer:

“to issue appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent refusing to receive and register the document of sale deed relating to the property situated in Sy.No.588 of Tarigopula Village, Jupadu Bungalow Mandal for an extent of Ac.9.74 Cents as arbitrary, illegal and violation of Article 19,21 & 300-A of the Constitution of India and consequently direct the 2nd respondent considering the proceedings of the 3rd respondent through L.Dis.(B).1097/2016, Dt:09-09-2016 to receive and register the document of Sale Deed pertaining to the above said property.”

3. The case of the petitioners is that they are owners of the property mentioned above, having an extent of Ac.1.30 cents each, having succeeded the same from ancestors. As the petitioners intended to sell the lands, they all jointly entered into an agreement with one D.Murali Goud for Rs.14,00,000/- and also received advance of Rs.5,00,000/-. When the purchaser approached the 2nd

respondent for presenting the document for obtaining valuation certificate, the staff of the 2nd respondent refused to give the same stating that the above survey lands are in prohibited list.

4. It is to be seen that under Section 71 of the Registration Act, 1908, it is mandatory on the part of the Sub-Registrar to record reasons for refusing to register a document.

5. In that view of the matter, the 2nd respondent is directed to examine the document presented by the petitioner for registration in respect of the land and if the document is in order, proceed with registration, otherwise record reasons for such refusal or registration, as contemplated under Section 71 of the Registration Act, 1908 and communicate the reasons thereon to the petitioner.

6. With the above directions, the Writ Petition is disposed of.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:19.10.2016
INL