

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.19463 OF 2016

ORDER:

The case of the petitioner is that he is the absolute owner and possessor of the land to an extent of Ac.3.50 cents in survey No.95/2C, situated at Masapeta Village, Midthuru Mandal, Kurnool District having purchased the same through registered sale deed vide Document No.3345/2011, dated 16.09.2011 for a valuable sale consideration. While so, when the petitioner intended to sell the property to the third party, he approached the 5th respondent for registration of the same. But the 5th respondent refused to register the same and insisted for production of 'No Objection Certificate' from the revenue officials. Aggrieved by the same, present writ petition is filed.

Heard the learned counsel for the petitioner, 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 5th 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, the 5th 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.

29.06.2016
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A.RAJASHEKER REDDY,J