

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.42266 OF 2016

ORDER:

Heard the learned counsel for the petitioner; the learned Government Pleader for Revenue appearing for the respondents. With their consent, 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 a writ, order or direction more particularly one in the nature of mandamus declaring the action of the 3rd respondent in insisting the petitioner to produce No Objection Certificate for registration of the document(s) in respect of the property being an extent of Ac.2.48 cents in Sy.No.86-B1 and Ac.2.65 cents in Sy.No.87-A1B (87-A1) situate in Lachanapalle Village, Kojjepalli, Gooty Mandal, Ananthapuram District as illegal, arbitrary and violation of the Registration Act and consequently direct the respondents to register the document that would be presented by the petitioner in respect of the above property without insisting NOC.”

3. Section 71 of the Registration Act reads as follows:

“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.”

4. As per Section 71 of the Registration Act (for short “ the Act”), the 3rd 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 intends to refuse the registration, he has to record reasons as envisaged under Section 71 of the Act referred to above.

5. In view of the above, respondent No.3 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.

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.

JUSTICE C. PRAVEEN KUMAR

Date:05.12.2016
INL