

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.37818 of 2016

ORDER:

Heard learned counsel for the petitioners and the learned Government Pleader for Revenue. With consent of both parties, the Writ Petition is disposed of at the admission stage itself.

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 Writ of Mandamus to declare the action of the respondent No.5 in not registering the sale deeds filed by the petitioners No.1 & 2 and further insisting for no objection certificate from the revenue authorities is illegal, arbitrary, and further direct the respondent No.5 to register the sale deeds submitted by the petitioners No.1 & 2 in respect of the land in Sy.No.63/08 to an extent of Acs.10-00 situated at Kanagarthy Village, Jammikunta Mandal, Karimnagar district in favour of the respondent No.7 to 10 and pass such other order or orders as the Hon ble Court deems fit and proper under the circumstances of the case, in the interest of justice.”

3. Section 71 of the Registration Act, 1908 (for short, ‘the 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, respondent No.4 is bound to receive and register the document, if the same is in order, as per the provisions of the Indian Stamp Act and the Registration Act and the Rules made thereunder. If he intends to refuse registration, he has to record reasons as envisaged under Section 71 of the Act, referred to above.

5. Though learned Government Pleader for Revenue submits that the question of registering the documents would not arise without ‘No Objection Certificate’, in view of G.O.Ms.No.307, Revenue (Assignments.I) Department, dated 06.06.2013, learned counsel for the petitioners submits that necessary orders may be passed by respondent No.4 – Sub-Registrar, Huzurabad Mandal, Karimnagar District, in accordance with law.

6. In view of the above, respondent No.4 is directed to register the documents presented by the petitioners, if the same are in order, as per the provisions of the Indian Stamp Act and the Registration Act and the Rules made thereunder, and as per G.O.Ms.No.307, dated

06.06.2013, and if he intends not to register the same, he shall record reasons and communicate the same to the petitioners.

7. With the above direction, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

November 04, 2016
MD

