

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.39439 OF 2016

ORDER:

Heard the learned counsel for the petitioner and 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 Writ of Mandamus declaring the action of the respondents in insisting the No objection certificate from the revenue authorities for registration of the agricultural lands in survey No.97/9A extent of Ac 8.00 gts and Sy No. 97/32 extent Ac 23.00 gts situated Rangapet village, Bellampally mandal, Mancherial District as arbitrary and illegal and also violative of Articles 14, 19 and 300A of the Constitution of India consequently direct the respondent No.4 to receive, register and release the document presented by the petitioner.”

3. The case of the petitioner is that she is the owner and possessor of lands admeasuring Ac.8.00 Gts., and Ac.23.00 Gts., in Sy.Nos.97/9A and 97/32 respectively situated at Rangapet Village, Bellampally Mandal, Mancherial Mandal having purchased the same from her vendor vide simple sale deed. It is averred that from the year 2000 onwards, she is in continuous possession of the land.

Subsequently, survey number 97/8 was renumbered as 97/32. On 04.11.2016 when the petitioner and her vendors approached the 4th respondent for registration of the document, he refused to register the same by directing her to get a No objection certificate from the revenue authorities.

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 4th 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:16.11.2016
INL