

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.27792 OF 2016

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 3rd respondent in not receiving the document presented by the petitioner for registration in respect of the property admeasuring Ac.0.80 cents in Survey No.96, situated in Pogaruru Revenue Village, Pamidi Mandal, Ananthapuram District and insisting for no objection certificate, as illegal and arbitrary and for a consequential to the 3rd respondent to register the document that would be presented by the petitioner in respect of the aforesaid property.

Heard the learned counsel for the petitioner and 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 3rd respondent is bound to receive the document and register, if the same is in order as per the 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, it is open for the petitioner to present the document before the 3rd respondent for registration within a period of four weeks from today and on such submission the 3rd 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.

24.08.2016
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A.RAJASHEKER REDDY, J