

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.36133 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. With consent of the counsel appearing for both sides, 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 an appropriate writ, order or direction, more in the nature of Mandamus declaring the action of the 2nd respondent in refusing to receive and register the document presented by the petitioner with respect to the land admeasuring Ac.1.28 cts. in Sy.No.55/1, an extent of Ac.2.32 cents in Sy.No.62 of Siripuram village, Nadigudem Mandal, Nalgonda District, as illegal, arbitrary, violative of Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondent No.2 to receive and register the document sought to be presented by the petitioner for the aforesaid land.”

3. The case of the petitioner is that he is the absolute owner and possessor of the various extents of land including the land in dispute. The petitioner sold an extent of Ac.1.28 cents in Sy.No.55/1 and an extent of Ac.2.32 cents in Sy.No.62/4 to one R.Srikanth Reddy for a valid consideration. When he presented the sale deed, the 2nd respondent refused to receive the same on the

pretext that the said property was attached by the Civil Court in cases filed against his son.

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 2nd 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:26.10.2016
INL