

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.19682 OF 2016

ORDER:

The case of the petitioner is that they are the absolute owners and possessors of the land admeasuring 181.5 sq.yards in Sy.No.31/2 situated at Kagitalagudem Village, Cumbum Mandal, Prakasham District which was purchased by their mother vide registered sale deed dated 09.09.1953 vide Doc.No.1083/1953. After the death of their mother, petitioners succeeded to the said property. While so, due to financial difficulties the petitioners intended to sell the subject land and approached the 4th respondent for registration of the same. But the 4th respondent refused to receive and register the documents presented by the petitioners. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner, learned Assistant Government Pleader for Stamps and Registration and Sri Arifulla, learned Standing counsel for the 5th respondent.

As per Section 71 of the Registration Act (for short "the Act"), the 4th respondent is bound to receive the documents and register, if the same are 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.

In view of the above, the 4th respondent is directed to receive the document presented by the petitioners if the same is in order in terms of Section 71 of the Act and register the same, if it 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. Since the 5th respondent is made party, the 4th respondent shall issue notice to the 5th respondent before passing any order under Section 71 of the Act.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

23-06-2016

A.RAJASHEKER REDDY,J

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