

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.36281 OF 2016

ORDER:

Heard the learned counsel for the petitioner; the learned Government Pleader for Revenue appearing for respondents 1, 6 and 7 and the learned Government Pleader for Stamps and Registration appearing for respondents 2 to 5. 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 particularly one in the nature of Writ of Mandamus, directing the respondents 2 to 5 to delete the notification “AP High Court Order No.W.P.No.15943 of 2009” against the lands situated in Hakeempet bearing Survey Nos.131, 132, 144, 146, 126, 166, 143, 147, 145, 130, 120, 119, 141, 148, 149, 160, 114, 117, 161, 110, 182, 183, 176, 142, 159, 162, 128, 130, 66, 68, 226, 150, 128, 164, 73, 89, 156, 175 and 176 and the lands situated at Achampet bearing Survey Nos.48, 49, 52, 53, 89, 90, 94, 95, 98,99 and 100 of Yeldurthy Mandal in Medak District from the list of “Prohibited Properties in Rural Prohibited Register” in their office Computers, and consequently to declare the action of the respondents in not entertaining the Registrations in the above stated lands, as illegal, void, without jurisdiction, violative of principles of natural justice and also in violation of Articles 14 and 300-A of the Constitution of India.”

3. Learned counsel for the petitioner submits that respondents 4 and 5 are refusing to register the documents on the ground that the writ petitions are pending before this Court and there is a stay in those cases. But it is urged that no writ petitions are pending before this Court as they are disposed of long back. The said fact is not seriously disputed by the learned Government Pleader for Stamps and Registration.

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, respondents 4 and 5 are 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
Note: Furnish CC by 28.10.2016
(B/O)
INL