

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.38313 OF 2016

ORDER:

Heard the learned counsel for the petitioners; the learned Government Pleader for Stamps and Registration appearing for respondents 1, 2 and 4 and the learned Government Pleader for Assignments appearing for respondent No.3. 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 or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondent No.4 in insisting for NOC from the 3rd respondent for receiving the document for registration on ground of Sec.22-A of Stamps and Registration Act for the property granted vide patta No.28/1408F, dated 31.07.1998 in Sy.No.892/45/7/1/2 to an extent of Ac.0.90 cents of Piduguralla Village of Piduguralla Mandal, Guntur District, as illegal, arbitrary, unconstitutional and consequently direct the 4th respondent to receive and register the documents of the petitioners' without insisting for NOC from the 3rd respondent for the above mentioned property of the petitioners and to release the same.”

3. Section 71 of the Registration Act reads as follows:

“71. 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.”

4. 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 Stamps and Registration Act and Rules made thereunder. If he intends to refuse the registration, he has to record reasons as envisaged under Section 71 of the Act referred to above.

5. In view of the above, respondent No.4 is directed to register the document if the same is in order as per provisions of Indian Stamp Act and Registration Act and the rules made thereunder and if he intends not to register the same, he shall record reasons and communicate the same to the parties.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Date:08.11.2016
INL