

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.34693 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 a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in insisting the No objection Certificate from the revenue authorities for registration of the agricultural lands in Sy Nos. 183-2, 180-3, 180-2 and 179-2 covered by an extent of Ac.1.89 cents situated at Balusupadu village, Pedakurpadu Mandal, Guntur District as arbitrary, illegal and also violative of Articles 14, 19 and 300A of the Constitution of India, consequently direct the respondent No.3 to receive, register and release the document presented by the petitioner.”

3. The case of the petitioner is that he is the absolute owner and possessor of agricultural lands mentioned above and his name is was also mutated in the revenue records. It is said that when the petitioner intended to sell the aforementioned lands and approached the 3rd respondent, he refused to do so and insisted the petitioner to get a 'No Objection Certificate' from the revenue authorities.

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 3rd respondent is directed to examine the document of 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 for any plausible reasons, 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: 18.10.2016

Note: Furnish CC within three (03) days.

(B/O)

INL