

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.15472 OF 2016

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ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 3rd respondent in refusing to receive, register and release the document presented by the petitioners for registration in respect of the land in Survey No.88/3, admeasuring Ac.1.00, situated at Zami Nave Pothavaram Village, Ibrahimpatnam Mandal, Krishna District, and treating the same as assigned land, as being illegal and arbitrary and for a consequential direction to the 3rd respondent to forthwith receive, register and release the sale document presented by the petitioners.

The case of the petitioners is that the 1st and 2nd petitioners are the absolute owners and possessors of the land in Survey No.88/3, admeasuring Ac.1.00, situated at Zami Nave, Pothavaram Village of Kethanakonda Grama Panchayat, Ibrahimpatnam Mandal, Krishna District; that they have offered to sell the said land to the 3rd petitioner herein and that the 3rd petitioner agreed to purchase the same and paid substantial sale consideration. While so, when the petitioners approached the Sub-Registrar, he has reused to entertain the documents stating that the subject land as assigned land. Thereafter, the 3rd petitioner also sought information under the provisions of RTI Act, and the then Tahsildar, Ibrahimpatnam in endorsement RTI/438/2015, dated 21.09.2015, has furnished information stating that the land in Survey No.88/3 was assigned on payment of market value and that pattadar passbook and title deeds were issued on to their name and also updated in the web land online records of 1-B and

Adangals. Petitioners also obtained copies of Adangals and 1-B from the 'Mee Seva' centre in March and April, 2016. It is further stated that as per the entries in the records, nowhere, it is mentioned that the subject land is an assigned land or government land. As such, when the petitioners again approached the Sub-Registrar, Ibrahimpatnam on 20.04.2016, the petitioners were informed that the subject land is an assigned land and even refused to furnish the market value of the subject land. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue.

The endorsement issued by the Tahsildar on 21.09.2015 goes to show that D form patta was granted on payment of market value.

Section 71 of the Registration Act, 1908 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 situated 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.”

In view of the above, when the documents were presented for registration by the petitioners, the 3rd respondent has to either register the documents, if the same are in order, or in case if he wants to refuse the registration, he has to record the reasons as envisaged under Section 71 of the Registration Act, 1908. Hence, the 3rd respondent is directed to receive the documents presented by the petitioners for execution of registered sale deeds, and

register the same if the same are in order, or in case he wants to refuse the same, he shall give reasons as per Section 71 of the Registration Act and communicate the same to the petitioners. This exercise shall be completed within a period of one week, from the date of presentation of the documents by the petitioners.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

29.04.2016
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