

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 24799 of 2016

ORDER:

This writ petition is filed declaring the action of the 4th respondent-Sub-Registrar, Anantapuram Rural in not receiving the document presented by the petitioner for registration and insisting for 'No Objection Certificate' in relation to the land admeasuring Ac.0.47 cents in Survey No.131-1A situated at Somanadoddi Village, Anantapuram Mandal and District, as illegal and arbitrary.

Heard learned counsel for the petitioner and learned Government Pleader for Revenue (Andhra Pradesh) on behalf of the respondents.

Section 71 of the Registration Act, 1908 (for short 'the Act') reads as under:

"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."

As per Section 71 of the Act, the 4th respondent is bound to receive the document and register the same, if it is otherwise in order, as per the Andhra Pradesh Stamp and Registration Act and the Rules made thereunder. If he wants to refuse registration, he has to record reasons as envisaged under Section 71 of the Act,

which is referred to supra.

In view of the above, it is open to the petitioner to present the document before the 4th respondent for registration within a period of four weeks from today and on such presentation, the 4th respondent is directed to receive the same, if the same is otherwise in order, as per provisions of the Andhra Pradesh Stamp and Registration Act and the Rules made thereunder and if he wants to refuse registration, he shall record reasons for the same and communicate his decision to the petitioner.

The writ petition stands disposed of with this order. There shall be no order as to costs.

Consequently, the miscellaneous petitions, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

Dt:11.08.2016

kdl