

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.39487 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents. 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, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 4th respondent insisting for no objection certificate for registration of the land in respect of Sy.No.128 in an extent of Ac.1.11 cents in Sy.No.182/3 an extent of Ac.0.61 cents situated at Utkuru Village of C K Dinne Mandal, YSR Kadapa District as illegal, arbitrary and consequently direct the respondent No.4 to receive and register the document presented by the petitioner in favour of third parties and release the same in respect of land in Sy.No.128 in an extent of Ac.1.11 cents in Sy.No.182/3 an extent of Ac.0.61 cents situated at Utkuru Village of C K Dinne Mandal, YSR Kadapa District without insisting No objection certificate.”

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:16.11.2016
INL