

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.40665 OF 2016

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for respondents. 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, more particularly in the nature of Writ of Mandamus, direct the respondents herein particularly respondent no.3 herein to register, the document/sale deed executed by the petitioners herein in favour of Shaik Zaheer and Syed Sarfaraz Ahemd to total extent of 6 acres 13 guntas situated in Sy.No.70 of Mangurla village, Jainath Mandal, District Adilabad, dated 19-10-2016 according to the provisions of the Registration Act, 1908 and consequently, declare the action of the respondents in not registering the said document/sale deed is illegal, arbitrary violative of Article 14 & 21 of the Constitution of India and against the mandatory provisions of Registration Act 1908 and Rules under the Registration Act 1908 and as well as A.P. Registration (Prohibition of Registration of certain documents opposed to public policy) Rules 1999.”

3. The case of the petitioners is that originally one late Sri Lateef Ahemd Saheb was pattadar of total extent of Ac.35.21 Gts., in Sy.No.70 of Mangurla village, Mandal Jainath, District Adilabad. Out

of Ac.35.21 Gts., Government took Ac.8.10 Gts., of land under ceiling pursuant to the provisions of the Land Reforms Act and the balance land to the extent of Ac.24.31 Gts., remained with him. After his death, a oral partition among four brothers took place by which, each one of them got about Ac.6.00 Gts., and odd towards their respective shares. Accordingly, Iftequr Ahmed, who is one of the four sons of said late Lateef Ahemd Saheb, got Ac.6.13 Gts., and his name was mutated in revenue records. After demise of Iftequr Ahmed on 22.08.1990, to meet financial necessities, petitioners, who are legal heirs of said Ifteque Ahmed, sold the said land by executing sale deed dated 19.10.2016 in favour of Zaheed and Syed Sarfaraz Ahmed, paid Rs.22,800/- on 20.10.2016 towards stamp duty and presented the said document for registration. But, the 3rd respondent refused to accept the same.

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 presented by the petitioners 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, 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:24.11.2016
INL

