

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
WRIT PETITION No.19060 OF 2016

ORDER:

This Writ Petition is filed to declare the action of the respondents in not registering the sale deed presented by the petitioner in relation to the subject land and directing the petitioner to produce no objection certificate, as illegal and arbitrary.

2. Heard learned counsel for the petitioner; learned Government Pleader for Revenue appearing for respondents 1, 2 & 4; and Sri Arifulla, Standing Counsel for 3rd respondent.

3. **Section 71 of the Registration Act, 1908 (for short 'the Act) reads as follows:**

Sec. 71 - Reasons for refusal to register to be recorded.

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[\(1\)](#) 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. A reading of the above provision indicates that the 4th respondent is bound to receive the document and register it, if the same is in order. If he wants to refuse the document for registration, he has to record reasons as envisaged under Section 71

of the Act (referred to supra).

5. In view of the above, the 4th respondent is directed to register the document presented by the petitioner, if it is in order and if he wants to refuse to register the same, he shall record reasons under Section 71 of the Act and communicate the same to the petitioner.

Before passing the said order, the objections of the 3rd respondent shall also be considered.

6. With the above direction, the writ petition is disposed of.
There shall be no order as to costs.

7. Consequently, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

20th June, 2016.
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