HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.34236 OF 2016

ORDER:

This writ petition is filed seeking to declare the action of respondent No.3 in not receiving the documents sought to be presented by the petitioner in respect of land admeasuring Acs.3-50 cents in survey No.608/H situated at Nagambhotiapalem Nandupalle (Rudravaram) Village, Kurnool Mandal and District, as illegal, arbitrary and consequently to direct the respondents to receive, register and release the documents presented by the petitioner in respect of the aforesaid land.

The case of the petitioner is that he is the absolute owner and possessor of the subject land by virtue of patta No.965, title deed and pattadar passbook bearing No.523507 issued by the revenue authorities. With an intention to sell the said land, the petitioner approached the 2nd respondent for furnishing registration charges as well as stamp duty in respect of subject land, which was refused by the 2nd respondent on the pretext that said land is a Government land. Aggrieved by the said action of the 2nd respondent, present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Asst. Government Pleader for Revenue. With their consent, the Writ Petition is disposed of at the stage of admission itself.

It is to be seen that under Section 71 of the Registration Act, it is mandatory on the part of the registering authority to record reasons for refusing to register a document.

In that view of the matter, the 2nd respondent is directed to examine the document of the petitioner for registration in respect of the subject land and if the document is in order, proceed with registration, otherwise record reasons for such refusal of registration for any plausible reasons, as completed under Section 71 of the Registration Act and communicate the reasons thereon to the petitioner.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed.

C. PRAVEEN KUMAR, J

Date: 18.10.2016
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