

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.28994 OF 2016

ORDER:

This writ petition is filed declaring the action of the 2nd respondent in insisting the petitioner for NOC from 3rd respondent and in not receiving and processing the documents presented by the petitioner for registration in respect of the land admeasuring Ac.5-00 cents in Sy.No.137 situated at Sangivalasa Village, Bheemunipatnam Mandal, Visakhapatnam District, as illegal and arbitrary.

Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Stamps and Registration.

Section 71 of the Registration Act reads as follows:

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 Registration Act (for short “the Act”), the 2nd respondent is bound to receive the document and register, if the same is in order as per Stamps and Registration Act and Rules made thereunder. If he wants to refuse the registration, he has to record the reasons as envisaged under Section 71 of the Act, which is referred to supra.

In view of the above, it is open for the petitioner to present the document before the 2nd respondent for registration within a period of four weeks from today and on such submission, the 2nd respondent is directed to receive and register the same, if the same is in order as per provisions of Indian Stamps and Registration Act and the Rules made thereunder and if he wants to refuse to register the same, he shall record reasons and communicate the same to the parties.

With the above direction, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

29-08-2016
dv

