

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9058 OF 2017

ORDER :

This writ petition is filed seeking writ of mandamus declaring the action of the 4th respondent in not releasing the registered document No.P61/2016 of Book-1, dated 28.07.2016 in favour of 1st petitioner and same was registered by the 2nd petitioner in respect of land to an extent of Ac.1.64 cents in Sy.No.60/11, situated at Peddasettipalle Revenue Village, Proddatur Mandal, YSR Kadapa District, A.P., as illegal and arbitrary and consequently to direct the 4th respondent to release the registered sale deed dated 28.07.2016.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

Learned counsel for the petitioners submits that as on today, neither the document presented by the petitioners is registered nor any order is passed under Section 71 of the Act.

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 4th respondent having received the document, it is for him to receive and register, if the same are 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 petitioners to present the document before the 4th respondent for registration and on such submission, the 4th respondent is directed to receive the same, if it is in order in terms of Section 71 of the Act and register the same if the said property is not in list of prohibited properties for registration as per Section 22-A of the Registration Act and also if the same is in order as per provisions of Indian Stamp Act 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. The said exercise shall complete within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

15.03.2017
kvs

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Date: 15.03.2017

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