

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10943 OF 2017

ORDER:

This petition is filed questioning the action of the 1st respondent in insisting for production of 'No objection certificate' from respondents 3 and 4 for processing the sale deeds for registration of land admeasuring Ac.4.06 cents and Ac.4-10 cents respectively in Survey Nos.155/2 and 155/3 of Idupuru Village, Markapur mandal, Prakasam district, as illegal and arbitrary and for a consequential direction to the 1st respondent to receive, process, register and release the documents pertaining to the petitioner in respect of the aforesaid land without insisting 'No objection certificate' from the revenue department.

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

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.

3. As per Section 71 of the Registration Act (for short “the Act”), the 1st respondent is bound to receive the documents 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.

4. In view of the above, it is open for the petitioner to present the document before the 1st respondent and on such submission, the 1st respondent is directed to receive and register the same, without insisting for ‘No Objection Certificate’ from the revenue authorities, if the same is in order as per the provisions of Indian Stamps and Registration Act and the Rules made thereunder, and if the subject land is not included in the list of prohibited properties for registration as per Section 22-A of the Registration Act, 1908 or not prohibited for registration by any order/injunction/attachment passed by the Court or competent authority. If he wants to refuse registration, he

shall record reasons and communicate the same to the parties.

5. With the above direction, the writ petition is disposed of. 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

Dated: 28.03.2017
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