HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7941 OF 2017

ORDER:

The case of the petitioners is that they have presented the sale deeds dated 22.04.2014 and 23.04.2014, for registration in respect of the lands to an extent of Ac.0.20 cents in Sy.No.667/2, Ac.1.91 cents in Sy.No.666/4, Ac.1.07 cents in Sy.No.663/4, Ac.0.04 cents in Sy.No.674/A13, Ac.0.07 cents in Sy.No.678/3, Ac.1.17 cents out of Ac.1.69 cents in Sy.No.659/4, Ac.3.05 cents in Sy.No.665, Ac.1.00 cents out of Ac.1.31 cents in Sy.No.663/5C, Ac.0.46 cents in Sy.No.662/4, Ac.0.46 cents in Sy.No.662/4A, Ac.0.58 cents in Sy.No.663/5B, Ac.0.07 cents in Sy.No.674/14A, A.1.72 cents in Sy.No.674/A7, Ac.0.13 cents in Sy.No.667/1C, Ac.0.87 cents in Sy.No.666/3, Ac.0.73 cents in Sy.No.663/1, Ac.0.22 cents in Sy.No.674/A/8, Ac.0.06 cents in Sy.No.678/A/1, Ac.0.53 cents in Sy.No.663/2 and Ac.0.15 cents in Sy.No.674/A9 of Palempalli Village fields, Kadapa Mandal, Y.S.R.District, and that the same were assigned pending document Nos.48 to 58. Thereafter, the documents are not released nor any refusal order is passed. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioners submits that because of attachment order received from Income Tax Department passed under Section 281-B(1) of the Income Tax Act, 1961, the 2nd respondent is not releasing the documents. He also states that the attachments are issued on 26.12.2013 and the period of attachment was in force till 25.05.2014, but, inspite of the same, the 2nd respondent is not releasing the same.

Heard learned Assistant Government Pleader for Revenue.

Having received the documents and assigned pending document numbers, the 2nd respondent is obligated to register the same if the documents are 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. If he wants to refuse the registration, he has to record the reasons as envisaged under Section 71 of the Registration Act, 1908.

In view of the above, the 2nd respondent is directed to take action as per Section 71 of the Act after considering the above facts and circumstances, otherwise register and release the documents presented by the petitioner which were assigned pending document Nos.48 to 58 of 2014.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

22.03.2017
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