

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.15572 of 2017

ORDER:

The present writ petition is filed declaring the action of the 2nd respondent in insisting for 'No Objection Certificate' from the revenue authorities for registering the lands to an extent of Ac.0.46 cents in Survey No.109/3 and an extent of Ac.1.96 cents in survey No.360 of Manchala Village, Mantralayam Mandal, Kurnool District even though respondent is not vested with any power or authority of law, as illegal and arbitrary and for a consequential direction to the 2nd respondent to receive and register the document sought to be presented by the petitioner.

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

Section 71 of the Registration Act, 1908 (for short 'the 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 Act (for short “the Act”), the 2nd respondent is bound to receive the documents and register, if the same are in order as per the Indian Stamp Act, 1899 and the Registration Act and Rules made thereunder. Otherwise he shall record the reasons for refusal of the registration.

In view of the above, the 2nd respondent is directed to receive and register the document presented by the petitioner, 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.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.RAJASHEKER REDDY,J

28.04.2017
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