

The Hon'ble Sri Justice A.Rajasheker Reddy

Writ Petition No.5781 of 2017

Order:

This Writ Petition is filed for a *Mandamus* to declare the action of respondent No.5 in not receiving the sale deed presented by the petitioner in respect of his lands admeasuring Ac.0.44 cents and Ac.0.54 cents in Sy.No.116/1B and Sy.No.116/2 respectively situated at Krishnayya Palem Village, Mangalagiri Mandal, Guntur District, and insisting for 'No Objection Certificate' from respondent No.2, as illegal and arbitrary.

Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (AP) appearing for the respondents.

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, 1908 (for short “the Act”), respondent No.5 is bound to receive the document and register the same, if it is in order as per the Stamps and the Registration Act and the Rules made thereunder. If, on the contrary, he refuses to register the same, 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 left open to the petitioner to present the document before respondent No.5 and on such submission, respondent No.5 is directed to receive and register the same, if the same is not included in the list of prohibited properties for registration and is in order as per the provisions of the Indian Stamps and Registration Act and the Rules made thereunder. On the contrary, if respondent No.5 refuses to register the same, he shall record the reasons therefor and

communicate the same to the parties. There shall be no order as to costs.

With the above direction, the Writ Petition is disposed of.

As a sequel to the disposal of the Writ Petition, Miscellaneous Petitions, pending if any, stand closed.

(A.Rajasheker Reddy, J)

Date: 21.02.2017
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