

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 12231 OF 2017

ORDER:

This writ petition is filed seeking writ of mandamus declaring the action of the 2nd respondent in insisting the petitioner to secure No Objection Certificate from 3rd respondent for furnishing valuation particulars, receiving and registering any deed of conveyance being presented by the petitioner for mortgaging his house site property admeasuring 206.2/3 sq.yds in Sy.No.159 of Ongole Rural Village Survey limits, Prakasam District as illegal and arbitrary and consequently to direct the 2nd respondent to receive, register and release any deed of conveyance including mortgage deed presented by the petitioner in respect of the subject property.

Heard learned counsel for the petitioner and the 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.

As per Section 71 of the Registration Act (for short “ the Act”), the 2nd respondent is bound to receive the documents 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 petitioner to present the document before the 2nd respondent for registration and on such submission, the 2nd 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 that there is no injunction order against the subject land in force, and that 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.

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

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