

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10456 OF 2017

ORDER:

This writ petition is filed to declare the action of the respondents in not receiving the document presented by the petitioner for registration and insisting for “No Objection Certificate” in relation to the subject land as illegal and arbitrary.

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 respondents 3 and 4 are bound to receive the document and register, if the same is in order as

per Stamps and Registration Act and Rules made thereunder. If they want to refuse the registration, they have 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 documents before the respondents 3 and 4 for registration and on such submission, the respondents 3 and 4 are directed to receive and register the same, if the same is not in the list of properties prohibited for registration under Section 22-A of the Act and in order as per provisions of Indian Stamp Act and Registration Act and the rules made thereunder and if they want to refuse to register the same, they shall record reasons and communicate the same to the parties, otherwise register the same.

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

23-03-2017
Nvl

