

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7668 OF 2017

ORDER :

This writ petition is filed seeking writ of mandamus declaring the endorsement dated 21.09.2015 issued by the 6th respondent in refusing to register the sale deed in respect of lands in Sy.No.156-4 to an extent of Ac.0.74 cents and in Sy.No.163-4 to an extent of Ac.2.00 cents situated at Chilamathur Village and Mandal, Anantapur District, without assigning any reason as illegal and arbitrary and consequently to set aside the same.

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

Learned counsel for the petitioner submits that having entertained the documents by the 6th respondent and allotted Pending Document No.90 of 2015, and if he wants to refuse registration, he has to record reasons as envisaged under Section 71 of the Registration Act. He would contend that without assigning any reason, the impugned endorsement is issued, which is in violation of principles of natural justice.

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 6th 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.

A perusal of the impugned endorsement goes to show that no reasons are assigned under Section 71 of the Act.

In view of the above, the impugned endorsement dated 21.09.2015 is set aside and the 6th 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 if the same is in order as per provisions of Indian Stamp Act and Registration Act and the Rules made thereunder and that if he wants to refuse to register the same, he shall record reasons as envisaged under Section 71 of the Act 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

06.03.2017
kvs

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