

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.33097 OF 2016

ORDER:

The case of the petitioner is that she is the owner and possessor of agriculture land admeasuring 72.91 square yards, situated at Survey No.583-2, Door No.26-17/1, Municipal Ward No.25 Rangapuram Kothapeta (Newpet), Palamaner Mandal, Chittoor District. She purchased the said land from K.Venkatramaiah by virtue of registered sale deed vide document No.3012 of 2008, dated 10.10.2008. Subsequent to the purchase the petitioner obtained permission for construction of house vide proceedings dated 04.02.2010 and obtained loan from Sathagiri Grameena Bank and constructed the house. While so, when the petitioner approached the 4th respondent for registering the mortgage deed in respect of the aforesaid land, the same was refused by him stating that the said land is government land. Even, there is no prohibition for sale of the said land. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner and 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 4th respondent is bound to receive the documents and register, if the same is 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 4th respondent and on such submission, the 4th respondent is directed to receive the same if the same is in order as per the provisions of Indian Stamps and Registration Act and the Rules made thereunder and register the same. 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.
As a sequel to the disposal of this petition, miscellaneous
petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

20.01.2017
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