

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.28407; 28403; 28313 & 28390 OF 2018

COMMON ORDER:

In all these writ petitions the grievance of the petitioner and the parties are same and hence they are heard together and being disposed of by this common order. It would suffice if facts in writ petition no.28407 of 2018 are adverted to.

2. The case of the petitioner is that she is absolute owner and possessor of land to an extent of Ac.1-00 cents in Sy.No.608/2 situated at Kallur village and mandal, Kurnool district, which was derived by her through registered sale deed for a valid sale consideration.

3. The grievance of the petitioner is that when she sought to sell the property in question, as she is stated to be in need of money and approached the 3rd respondent for executing registered sale deeds, the 3rd respondent insisted her to obtain "No Objection certificate" from the revenue officials on the ground that the land in question is an Endowments land.

4. Petitioner's counsel submits that petitioner derived the land in question from her father and pursuant thereto, the name of the petitioner has been coming in the encumbrance certificate and it is not an Endowments land, but it is a private land of the petitioner

and the 3rd respondent cannot orally refuse to process the sale deeds presented by the petitioner.

5. Heard 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.

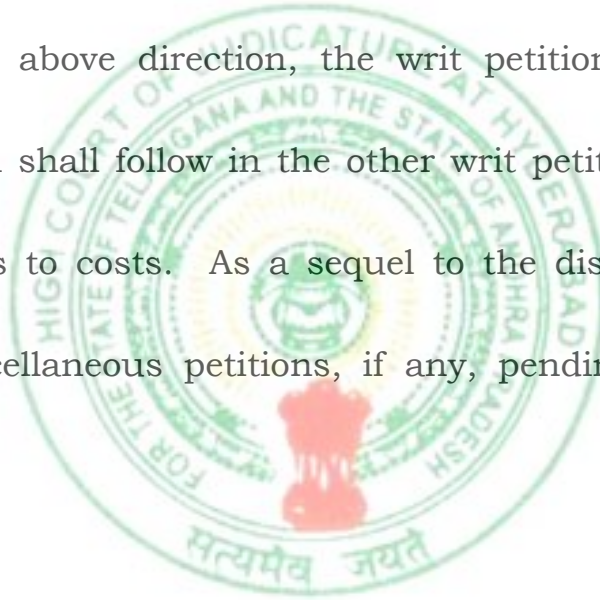
(2) No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

6. As per Section 71 of the Registration Act (for short “ the Act”), the 3rd respondent is bound to receive the document and register, if the same is in order as per Stamps and Registration Act and Rules made thereunder and if he wants to refuse the registration, for the reasons that the land is in the prohibited list and there is an injunction order of any civil Court, he has to record reasons as envisaged under Section 71 of the Act, which is referred to supra.

7. In view of the above, it is open for the petitioner to present the documents before the 3rd respondent for registration and on such submission, the 3rd 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 the list of prohibited properties for registration as per Section 22-A of the Registration Act or there is any injunction or order by competent Court regarding non-alienation and also 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 petitioner.

8. With the above direction, the writ petition is disposed of. Same direction shall follow in the other writ petitions. There shall be no order as to costs. As a sequel to the disposal of the writ petitions, miscellaneous petitions, if any, pending in them shall stand closed.



A.RAJASHEKER REDDY,J

Dated: 24-10-2018
NRG

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Date: 24.10.2018

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