

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.43007 of 2018

ORDER:

The present writ petition is filed aggrieved by inaction of the 5th respondent in updating the blank in column No.8 of the Form-1B as 'inheritance' in online for the land in an extent of Ac.1-90 ½ cents in Sy.No.315A of Gangavaram Village, Chittoor District and consequential action of the 5th respondent in refusing to register the sale deed in respect of the same stating that unless the blank in column No.8 of the Form-1B is updated as 'inheritance' in web online, it cannot be registered.

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

Section 71 of the Registration Act, 1908 (for short 'the 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 Act (for short “the Act”), the 5th respondent is bound to receive the documents and register, if the same are in order as per the Indian Stamp Act, 1899 and the Registration Act and Rules made thereunder. Otherwise he shall record the reasons for refusal of the registration.

In view of the above, the 5th respondent is directed to receive and register the document presented by the petitioner without insisting for updated Form-1B certificate in view of letter dated 09-08-2018 by the District Collector, Chittoor to Tahsildar, Gangavaram Mandal and Revenue Divisional officer, Madanapalle, letter dated 10-07-2018 addressed by the Revenue Divisional Officer, Madanapalle to the Joint Collector, Chittoor, letter in Roc.No.B/591/2117, dated 20-12-2017 addressed by Tahsildar, Gangavaram to the Joint Collector, Chittoor, if the same is in order as per the provisions of Indian Stamps and Registration Act and the Rules made thereunder, and if the subject land is not included in the list of prohibited properties for registration as per Section 22-A of the Registration Act, 1908 or not prohibited for registration by any order/injunction passed by the Court or competent authority. 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.
There shall be no order as to costs. Consequently,

miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.RAJASHEKER REDDY,J

29-11-2018
Nvl

