

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.43217 of 2018

ORDER:

The present writ petition is filed declaring the action of respondents 4 and 5 in not receiving and registering the document presented by the petitioner in respect of land admeasuring Ac.1-62 cents in Sy.No.282/2 situated in Kantheru Village, Tadikonda Mandal, Guntur District and insisting him to obtain 'No Objection Certificate' (NOC) as illegal and arbitrary and for a consequential direction to respondents 4 and 5 to receive and register the document presented by the petitioner in respect of the subject land.

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”), respondents 4 and 5 are 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 they shall record the reasons for refusal of the registration.

In view of the above, respondents 4 and 5 are directed to receive and register the document presented by the petitioner without insisting for NOC, 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 they want to refuse registration, they 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