

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.44897 of 2018

ORDER:

The case of the petitioner is that she is the owner of the following land stated below situated in Ugranampalle Village, Penumuru Mandal, Chittoor District, which was acquired by the sale through ancestors.

Sy.No.	Extent
325/4	Ac.0-12 cents
325/5	Ac.0-14 cents
326/5A	Ac.0-18 cents
327/3	Ac.0-03 cents
327/4	Ac.0-29 cents
327/5	Ac.0-06 cents
420/1	Ac.0-20 cents
425	Ac.0-77 cents
Total	Ac.1-79 cents

The name of the petitioner has been mutated in revenue records and he was issued pattadar passbook and title deed. When the petitioner intend to give the subject land to his younger son by name Abhinay Irala, he went to the 1st respondent-office for market value certificate, he furnished the certificate dated 08-10-2018 stating that there is no value to the above land. On enquiry, the 1st respondent informed the petitioner that while the Sub-Registrar's office was functioning in Pakala, the 2nd respondent addressed a letter dated 23-02-

2013 to the 1st respondent stating that her son Hemanth Reddy, while working as Deputy Tahsildar in MLS point, Chittoor involved in misappropriation of huge stock in MLS point, Chittoor and requested the 1st respondent not to transfer the above land to any other person as the case is filed by the Vigilance cell against his son. Therefore, the 1st respondent entered the subject land in prohibited list. Admittedly the subject land is the ancestral property and it was not purchased by the son of the petitioner and his ancestors have been enjoying the same from the year 1936 onwards. Aggrieved by action of the 1st respondent in refusing to receive and process the document for registration in respect of subject land, the present writ petition is filed.

Learned counsel for the petitioner submits that the 2nd respondent has no power to ask the 1st respondent not to transfer the subject lands. But basing on the letter of the 2nd respondent, the 1st respondent is not entertaining the documents presented by the petitioner for registration of subject lands.

Heard learned Assistant Government Pleader for Revenue, who submits that the petitioner has not presented any document for registration and approached this Court.

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 1st 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.

Admittedly, the 2nd respondent has no power to ask the 1st respondent not to transfer the subject lands to any person since the petitioner is claiming exclusive rights over the same, unless the property is in the list of prohibited properties mentioned under Section 22-A of the Registration Act or there is injunction operating against the said property by the Court or competent authority.

In view of the above, the 1st respondent is directed to receive and register the document presented by the petitioner, 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. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

18-12-2018

Nv1

A.RAJASHEKER REDDY,J



