APHC010030442025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3328]**
(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 1736/2025

Between:

1. SHAIK BIBI JOHN, W/O KHALEESHA, AGED 45 YEARS, OCC-HOUSE WIFE, R/O B.C. COLONY, KRISHNAPURAM VILLAGE, BUDAVADA PANCHAYATH, MARRIPADU MANDAL, S.P.S.R. NELLORE DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, SECRETARIAT, A.P., VELAGAPUDI, GUNTUR DISTRICT.
2. THE INSPECTOR GENERAL, STAMPS AND REGISTRATION DEPARTMENT, TADEPALLI, GUNTUR DISTRICT.
3. THE DISTRICT COLLECTOR, NELLORE, S.P.S.R. NELLORE DISTRICT.
4. THE TAHSILDAR, MARRIPADU MANDAL, S.P.S.R. NELLORE DISTRICT.
5. JOINT SUB-REGISTRAR, UDAYAGIRI, S.P.S.R. NELLORE DISTRICT.

...RESPONDENT(S):

COUNSEL FOR THE PETITIONER:

1. DHANUNJAYA BARU

COUNSEL FOR THE RESPONDENT(S):

1. GP FOR REVENUE
2. GP FOR REGISTRATION AND STAMPS

The Court made the following:

ORAL ORDER:

Heard Sri Dhanunjaya Baru, learned Counsel for the Writ Petitioner and Sri K. Arjun Chowdary, learned Assistant Government Pleader for Revenu, Registration & Stamps.

2. Learned Counsel for the Writ Petitioner has submitted that the Writ Petitioner has purchased the subject property and has submitted the Sale Deed for registration before the Joint Sub-Registrar (Respondent No.5). It is the case of the Writ Petitioner that the said Joint Sub-Registrar has declined to accept the said Sale Deed dated 12.11.2024 (Ex.P.1). It is the submission of the learned Counsel for the Petitioner that the Respondent No.5 has declined to receive the said sale deed and process the same. He would submit that no reason was given by the Respondent No.5 for declining to receive the said documents and process the same.

3. Learned Counsel for the Petitioner has placed reliance on the judgment of this Court in ***Salimeni Ravindra Vs. The State of Andhra Pradesh & Ors***. (W.P.No.10392 of 2021 dated 15.06.2021). He would place reliance on this judgment to submit that the Sub-Registrar cannot refuse to receive the document presented for registration. He would submit that as per Section 71 of the Registration Act, 1908, there is an obligation on the Registrar/Sub-Registrar to process the Sale Deed and either register the same or record reasons for refusal to register a document which is presented for registration and make an order of refusal and record his reasons for such order in his Book No.2 with the endorsement of the phrase “registration refused” on the presented document for registration. This procedure is followed as per Rules 161 to 164 of the Rules framed under the Registration Act, 1908.

4. This Court, having perused the judgment of this Court in *Salimeni Ravindra's* case (W.P.No.10392 of 2021 dated 15.06.2021), is of the view that the present Writ Petition is squarely covered by the said judgment. Accordingly, this Writ Petition stands disposed of with a direction to the Respondent No.5 to receive the Sale Deed dated 12.11.2024 and process the same in accordance with the procedure as indicated and as dealt with in this judgment dated 15.06.2021 in W.P.No.10392 of 2021. No order as to costs.

5. The Writ Petitioner is directed to submit a copy of this Order along with a photocopy of the Judgment of this Court which is relied-on i.e., *Salimeni Ravindra's* case (W.P.No.10392 of 2021 dated 15.06.2021) to the Registrar for better appreciation and for following the procedure in accordance with law in future cases as well.

6. Needless to state that on presentation of the Sale Deed, the Joint Sub-Registrar namely Respondent No.5 shall pass a Speaking Order as per law within a reasonable time in the event he/she is not inclined to register the document.

7. Interlocutory Applications, if any, stand closed in terms of this order.

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt: 27.01.2025
DSV