

HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION No.9535 of 2016

ORDER:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

“...to issue an Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in not furnishing the valuation particulars and refusal to accept any documents in respect of the petitioner’s land in Sy.No.1599/B admeasuring 250 square yards situated at Mysoorivaripalli Gram Panchayat, Rly Kodur village and Mandal, Kadapa District as illegal, arbitrary and violative of principles of natural justice and consequently direct the 3rd respondent to furnish valuation particulars and consequently receive the sale documents in respect of the petitioner’s land in Sy.No.1599/B admeasuring 250 square yards situated at Mysoorivaripalli Gram Panchayat, Rly Kodur village and Mandal, Kadapa District...”

2. Though the petitioner made several allegations against the respondents, during hearing, learned counsel for the petitioner requested this Court, without touching merits of the case, to issue a direction to the 3rd respondent

to receive and register the document(s) presented by the petitioner.

3. Learned Government Pleader for Revenue readily agreed to receive and register the document(s) presented by the petitioner, in accordance with Section 71 of the Registration Act, 1908 (for short 'the Act'). However, it is relevant to refer to Section 71 of the Act, which reads as follows:

“(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.”

4. In view of the submission made by the learned Government Pleader for Revenue, the 3rd respondent is directed to receive and process the document(s) submitted by the petitioner as per the provisions of Section 71 of the

Act. In case the document(s) presented cannot be registered, the 3rd respondent shall pass appropriate orders as required under Section 71 of the Registration Act.

5. Accordingly, with the above direction, the Writ Petition is disposed of. No costs.

Consequently, miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE V.SUJATHA

Date : 21.12.2022

KGR/SSN

252

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