

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**WRIT PETITION NO.16472 OF 2021****ORDER:**

The present Writ Petition under Article 226 of Constitution of India is filed for the following relief:-

“ to issue a Writ of Mandamus or any other appropriate writ order or direction declaring the action of the 2nd Respondent in not receiving and registering the document presented by the Petitioner in respect of the property of the vacant Plot No.7 in an extent of 221.47 Sq yards in Sy No 254/1, 254/2 Jayasankar Nagar Residential Area, Tirupati Chittoor District on the ground that the Commissioner Endowments has directed the 2nd respondent vide Letter vide LR.No.ROC No M1/9580/2016 dated 5.7.2016 not to register the lands in the said survey numbers as illegal arbitrary violation Article 300A of Constitution of India and contrary to Sec 22-A of the Registration Act 1908 and further direct the 2nd Respondent to receive and register the Gift Deed presented in relation to the property of the vacant Plot No.7 in an extent of 221.47 Sq yards in Sy.No.254/1, 254/2 Jayasankar Nagar Residential Area Tirupati Chittoor District”

2. The case of the petitioner is that the his sister is the owner and possessor of vacant plot No.7 in an extent of 221.47 Square yards in Sy.No.254/1, 254/2, Jayasankar Nagar Residential Area, Tirupathi, Chittoor District having purchased the same under the registered sale deed vide Doc.No.1350/2000, dated 24.02.2000. Since then, she has been in possession and enjoyment of the said property. Thereafter, sister of the petitioner Nagarajamma intending to execute the gift deed in favour of the petitioner, prepared the document and

paid necessary fee for registration. Hence, they approached the 2nd respondent for registration of the Gift deed. But the 2nd respondent refused to register the document on the ground that the Commissioner, Endowments, directed him not to register the land in the survey number vide LR.No.Roc.No.M1/9580/2016, dated 05.07.2016. Aggrieved by the action of the 2nd respondent, the present Writ Petition is filed.

3. During hearing, learned counsel for the petitioner reiterated his contentions whereas, the learned Assistant Government Pleader for Stamps and Registration requests to pass appropriate order to complete the process in accordance with law.

4. The only contention of the petitioner before this Court is that unless and until a notification is issued under Section 22-A of the Registration Act, the 2nd respondent cannot refuse registration of the document presented by the petitioner and as per Section 71 of the Andhra Pradesh Registration Act, 1908 (for short 'the Act'), the Sub-Registrar is duty bound to receive the document and register it if it is otherwise in order. If in case, the document cannot be registered the Sub-Registrar has to record reasons for such refusal in writing. Hence, the action of the 2nd respondent is illegal and therefore, requests to issue a direction to the respondents to complete the process of registration in accordance with law.

5. No doubt, when the document is presented for registration, the registering authority has to register the document or pass refusal order under Section 71 of Registration Act (for short 'the Act'), if the document cannot be registered in view of any prohibition either under Section 22-A or by order of any Court and against the order of refusal, an appeal is maintainable under Section 72 of the Act.

6. In view of the above, the 2nd respondent is directed to complete the process of registration if permissible and if the registration is not permissible, the 2nd respondent is directed to pass appropriate order recording the reasons as mandated under Section 71 of the Registration Act, within four(4) weeks from today. In case, the petitioner is aggrieved by such an order, he may approach the District Registrar under Section 72 of the Registration Act.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently miscellaneous applications pending, if any, in the Writ Petition shall stand closed.

JUSTICE M.SATYANARAYANA MURTHY

Date:09.08.2021
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