

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.34889 OF 2014

ORDER:

The grievance of the petitioner is that the 3rd respondent is not registering the document submitted by him nor the document is refused registration. The case of the petitioner is that he presented a document styled as "oppudala pathram" (settlement deed) dated 4-10-2010 for registration before the 3rd respondent. That pursuant to the presentation of the said document, the 3rd respondent has issued notice to the petitioner to submit certain documents, which the petitioner is stated to have complied along with a reply notice. The petitioner's case is that they have partitioned the property in question long back and now by way of the present document, they wanted to confirm the partition effected on 29-06-1974 and, as such, it is a record of the past event. That the document presented is not actual transfer of any immovable property and it is only a memorandum stating about the past partition and the document is executed only for the purpose of evidencing the past partition.

2. Heard the learned counsel for the petitioner and the learned Asst. Government Pleader for Revenue.

3. It is to be seen that under Section 71 of the Registration Act, it is mandatory on the part of the Sub-Registrar to record reasons for refusing to register a document. He cannot simply refuse orally or keep the document pending, as in the instant case, being a statutory functionary.

4. In the circumstances, the 3rd respondent is directed to examine the document presented by the petitioner for registration and if the document is in order, proceed with registration, otherwise record reasons for such refusal of registration for any plausible reasons, as completed under Section 71 of the Registration Act and communicate the reasons to the petitioner. This entire exercise shall be completed within a period of eight week from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. Miscellaneous petitions, if any, pending in this Writ Petition shall also stand disposed of. No order as to costs.

A.RAJASHEKER REDDY, J

Dated: 13-04-2016

NRG

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.34889 OF 2014

Dated: 13.04.2016

Web

NRG