HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

:

WRIT PETITION No.29280 OF 2015

ORDER:

This writ petition is filed to declare the action of the respondents in not registering the document relating to the subject land as illegal and arbitrary.

Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue.

Section 71 of the Registration 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 Registration Act (for short " the Act"), the 5th respondent is bound to receive the document and register, if the same is in order as per Stamps and Registration Act and Rules made thereunder. If he wants to refuse the registration, he has to record the reasons as envisaged under Section 71 of the Act, which is referred to supra.

In view of the above, it is open for the petitioner

present the document before the 5th respondent for registration within a period of four weeks from today and on such submission, the 5th respondent is directed to receive and register the same, if the same is in order as per provisions of Indian Stamp Act and Registration Act and the rules made thereunder and if he wants to refuse to register the same, he shall record reasons and communicate the same to the parties. Otherwise register the same.

With the above direction, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

14-07-2016
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