

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.28533 of 2016

ORDER:

It is brought to the notice of this court by the learned counsel for the petitioner so also the learned Government Pleader that the issue in the present writ petition is squarely covered by the orders of this Court in W.P.No.23189 of 2016 dated 21.07.2016. A copy of the same is also placed on record along with the writ petition as material paper.

The said order reads as follows:

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

3. Section 71 of the Registration Act, 1908 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, given 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. As per Section 71 of the Registration Act, 1908 (for short, ‘the Act’), the 3rd respondent is bound to receive the documents and register, if the same are in order as per the Stamps and Registration Act and the 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.

5. In view of the above, it is open for the petitioner to present the documents before the 3rd respondent for registration within a period of four (4) weeks from today and on such submission, the 3rd respondent is directed to receive the same if the same are in order as per of the provisions of the Indian Stamp Act and the 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.

6. With the above direction, the Writ Petition is disposed of. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

Following the said judgment and for the reasons recorded therein, this Writ Petition is also disposed of, in terms thereof. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

JUSTICE A.V. SESA SAI

August 26, 2016
Lmv