

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3979 OF 2016

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ORDER:

This petition is filed for a writ of *mandamus* declaring the action of the 2nd respondent in refusing the registration of the pending Document Nos.P-478 of 2015, P-479/2015, P-481/2015 and P-488/2015, executed by the petitioner for registration, without furnishing any reasons, as illegal and arbitrary.

Learned counsel for the petitioner submits that the 2nd respondent refused to register the documents presented by the petitioner without assigning any reasons for refusal as envisaged under Section 71 of the Registration Act, 1908.

Heard learned Assistant Government Pleader for Revenue.

A perusal of the endorsement dated 11.09.2015 made on the documents filed by the petitioners by the 2nd respondent, which were filed along with this writ petition, goes to show that no reasons are recorded.

Section 71 of the Registration Act, 1908 reads as follows;

“71. 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.”

In view of the above, without going into other aspects of the matter, since the refusal is not in tune with Section 71 of the Registration Act, 1908, the same is set aside and the 2nd respondent is directed to give reasons as envisaged under section 71 of the Registration Act, 1908, in case he wants to refuse the registration, within a period of two weeks from today. Otherwise, he shall process the documents filed by the petitioner and register the same if they are in order.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

29.04.2016

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