

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.36040 of 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. With consent of the counsel appearing for both sides, the writ petition is disposed of at the admission stage itself.

2. The present Writ Petition came to be filed with the following prayer:

“to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in not entertaining the document of Gift Deed executing by the petitioner in favour of her daughter-in-law sought to be registered to the House D.No.31/520, situated in plot No.184 an extent of Ac.0.05 cents, in Sy.No.503, situated at NGO's Colony, Ramanagar, Ward No.31, Dharmavaram Town, Ananthapuramu District, as illegal, arbitrary and consequently direct the 3rd respondent to entertain the document sought to be presented for registration of the above said house in favour of petitioner's son.”

3. 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.

4. As per Section 71 of the Registration Act (for short “ the Act”), the 3rd respondent is bound to receive the documents and register, if the same are in order as per Stamps and Registration Act and Rules made thereunder. If he intends to refuse the registration, he has to record reasons as envisaged under Section 71 of the Act referred to above.

5. In view of the above, respondent No.3 is directed to register the document if the same is in order as per the provisions of the Indian Stamp Act and the Registration Act and the rules made thereunder and if he intends not 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. There shall be no order as to costs. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Date: 04.11.2016
INL