

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.40973 OF 2015

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Revenue. With consent of both parties, 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 appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 5th Respondent in refusing to entertain and refusing to receive, register and release the documents to be submitted by the Petitioner in respect of land admeasuring Ac. 8-49 cents in RS Nos.693/1B, 693/1C, 719/1, 719/2B, 719/2C, 719/3 situated at Ramasingavaram Village, Pedavegi Mandal, West Godavari District as arbitrary, illegal and unjustified and in violation of the Provisions of the Registration Act, 1908 and consequently direct the 5th Respondent to receive, register and release the Sale Deeds to be presented by the petitioner in respect of the above said land admeasuring Ac.8-49 cents and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of justice.”

3. Section 71 of the Registration Act, 1908 (for short, 'the 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, respondent No.5 is bound to receive and 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. If he intends to refuse 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.5 is directed to register the documents presented by the petitioner, if the same are 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 petitioner.

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.

JUSTICE C. PRAVEEN KUMAR

November 04, 2016
MD

