

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.20640 OF 2016

ORDER:

This writ petition is filed seeking to declare the action of respondent No.5 in not entertaining the document presented by the petitioner for registration, as illegal and arbitrary.

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

Section 71 of the Registration Act, 1908 (for short, '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, 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 the reasons as envisaged under Section 71 of the Registration Act, which is extracted above.

In view of the above, it is open for the petitioner to present the document in question before respondent No.5 for registration within a period of four (4) weeks from today and on such submission, respondent No.5 is directed to receive and register the same, 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 to refuse registration of the same, he shall record reasons and communicate the same to the petitioner otherwise register the same.

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.

REDDY, J

A. RAJASHEKER

June 28, 2016
MD