

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.38875 OF 2016

ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue appearing for the respondents. With their consent, the present writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed with the following prayer:

“declaring the action of the 3rd respondent in refusing to receive and register the document (Agreement of Sale) dated 13-06-2016 in respect of the Residential Property bearing H.No.2/747-2 in an extent of Ac.0-02 Cents in Sy.No.315/1 Pyki in Bakarapet Street, Municipality Area, Proddatur, YSR Kadapa District as arbitrary, illegal and contrary to the provisions of Registration Act and violative of Articles 14 and 21 of Constitution of India and consequently direct the 3rd respondent to receive, register and release the Agreement of Sale / any documents of alienation which may be presented by the Petitioner in respect of the Residential Property bearing H.No.2/747-2 in an extent of Ac.0-02 Cents in Sy.No.315/1 Pyki in Bakarapet Street, Municipality Area, Proddatur, YSR Kadapa District.”

3. Section 71 of the Registration Act 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.

(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 documents if the same are in order as per provisions of Indian Stamp Act and 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

NOVEMBER 11, 2016

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Date:11.11.2016

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