

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.6033 OF 2017

ORDER:

This petition is filed questioning the action of the 5th respondent in not registering the documents presented by the petitioners with regard to lands admeasuring Ac.2.94 cents in Survey Nos.1307/1 and 1184/1 belonging to the 1st petitioner and land to an extent of Ac.2.95 cents in Survey Nos.1307/1 and 1184/1, belonging to the 2nd petitioner situated at Rangasamudram Village, Porumamilla Mandal, Rajampeta Division, Kadapa Distric, as illegal and arbitrary and for a consequential direction to the 5th respondent to receive, register and release the documents presented by the petitioner with regard to aforesaid lands.

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

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.

As per Section 71 of the Registration Act (for short "the Act"), the 5th respondent is bound to receive the documents and register, if the same is in order as per Stamps and Registration Act and Rules made thereunder. If he wants to refuse the registration, he has to record the reasons as envisaged under Section 71 of the Act, which is referred to supra.

In view of the above, it is open for the petitioner to present the document before the 5th respondent and on such submission, the 5th respondent is directed to receive and register the same if the same is in order as per the provisions of Indian Stamps and Registration Act and the Rules made thereunder and if the same is not included in the list of prohibited properties for registration as per Section 22-A of the Registration Act. If he wants to refuse registration, he shall record reasons and communicate the same to the parties.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

23.02.2017
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