

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10987 OF 2017

ORDER:

This petition is filed questioning the action of the 2nd respondent in refusing to receive and process the sale deed for registration of the petitioners' land in question situated at Tadikalapudi village, Kamavarapukota mandal, West Godavari district, as illegal and arbitrary and for a consequential direction to the 2nd respondent to receive, process, register and release the documents pertaining to the petitioners in respect of the aforesaid land.

2. Heard learned counsel for the petitioners 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.

3. As per Section 71 of the Registration Act (for short "the Act"), the 2nd 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.

4. In view of the above, it is open for the petitioners to present the document before the registering authority and on such submission, the 2nd 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 subject land is not included in the list of prohibited properties for registration as per Section 22-A of the Registration Act, 1908 or not prohibited for registration by any order/injunction/attachment passed by the Court or competent authority. If he wants to refuse registration, he shall record reasons and communicate the same to the parties.

5. 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

Dated: 28.03.2017
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