

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9679 OF 2017

ORDER:

This petition is filed seeking direction to the respondents to receive and register the document on its presentation by petitioners or their vendors in respect of land admeasuring 115 Sq.Yards in Plot No.43 of the 1st petitioner and 115 Sq.Yards in Plot No.43A of the 2nd petitioner, respectively, comprises of Patta No.42 in Survey No.151/3A, Sarada Nagar Layout, situated at Vepagunta Village, Pendurthy Mandal, Greater Visakhapatnam Municipal Corporation, Gopalapatnam SRO Limits, Visakhapatnam by virtue of agreement of sale dated 20.02.2017, 23.02.2017, respectively and release the same.

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.

As per Section 71 of the Registration Act, 1908 (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.

In view of the above, it is open for the petitioners to present the document before the 2nd respondent 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 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

20.03.2017
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