

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.13240 of 2017

ORDER:

Heard Sri P.M.Mithileshwara Reddy, counsel for the petitioner and the learned Government Pleader for respondents.

Learned counsel submits that this court in similar circumstances disposed of few writ petitions and one of the orders in WP No.4799 of 2017 dated 13.02.2017 is filed, as annexure P.2 and made a joint statement that the writ petition can be disposed of on the same lines.

Hence, the following order:

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 2nd 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 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 2nd respondent for registration and on such

submission, the 2nd respondent is directed to receive the same, if it is in order in terms of Section 71 of the Act and register the same if the said property is not in list of prohibited properties for registration as per Section 22-A of the Registration Act and also if the same is in order as per provisions of Indian Stamp Act and Registration Act and the Rules made there under and if he wants to refuse to register the same, he shall record reasons and communicate the same to the petitioner.

With the above direction, the writ petition is disposed of. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 13.04.2017
BSS



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