

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.227 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is preferred by the petitioner seeking to declare the inaction of the 4th respondent in registering and releasing the sale deed dated 09.03.2012 of the petitioner, as illegal and arbitrary.

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

Though various grounds are raised in the writ petition, the learned counsel for the petitioner restricts his prayer seeking a direction to the 4th respondent to pass appropriate orders in the sale deed presented by the petitioner on 09.03.2012 for registration while taking into consideration the sale transaction, which took place in respect of the lands in very same survey number.

Learned AGP would submit that the 4th respondent may be directed to pass appropriate orders, if not already passed.

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 4th 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 referred to above.

In view of the above, respondent No.4 is directed to register the document if the same is 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. It is needless to mention that the 4th respondent shall also bear in mind the earlier transactions taken place in the very same survey number subsequent to presentation of the documents by the petitioner while passing the orders.

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

04.01.2017

Note : Issue CC by 06.01.2017.
B/o
sur