

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.6112 OF 2017

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 5th respondent in not registering the lease deed dated 16.11.2016 presented by the petitioners in respect of the land admeasuring Ac.300-00 in Sy.No.1 of Yarada Village, Gajuwaka Mandal (Visakhapatnam Municipal Corporation Area) Visakhapatnam District, as illegal and arbitrary.

Heard learned senior counsel Sri P.Venugopal 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 5th respondent is bound to receive the documents and register, if the same is in order as per Stamps and Registration Act and the 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 5th respondent and on such submission, the 5th respondent is directed to receive and register the same, if the same is not included in the list of prohibited properties for registration and is in order as per the provisions of Indian Stamps and Registration Act and the Rules made thereunder. If he wants to refuse registration, he shall record reasons and communicate the same to the parties. There shall be no order as to costs.

With the above direction, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

22.02.2017
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