

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2068 OF 2017

ORDER:

This writ petition is filed to declare the inaction of the 3rd respondent in receiving the sale deeds dated 03.01.2017 of the petitioner for registration in respect of the part of land admeasuring Acs.0.32 ½ cents (7 ½ + 10 + 15) out of his share Ac.1.02 ¼ cents under oral partition out of ancestral property to the extent of Acs.2.04 ½ cents in S.No.177/2, situated at Chengalapuram, Melupatla Survey Group, Block No.30, Punganur Town & Mandal, Chittoor District as illegal and arbitrary and consequently to direct the 3rd respondent to receive and register the same.

Heard learned counsel for the petitioner and the 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 (for short “ the Act”), the 3rd 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 3rd respondent for registration and on such submission, the 3rd 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 same is in order as per provisions of Indian Stamp Act and Registration Act and the Rules made thereunder and if he wants to refuse to register the same, he shall record reasons and communicate the same to the parties.

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

23-01-2017

kvs

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Date: 23.01.2017

kvs

