

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 46774 of 2016

ORDER:

1) Heard learned counsel for the petitioners, Government Pleader for Revenue, Government Pleader for Endowments, Government Pleader for Irrigation and Common Area Development and Government Pleader for Panchayat Raj. With the consent of all the parties, the writ petition is heard at the admission stage itself.

2) The present writ petition came to be filed declaring the action of the respondents in not deleting the land admeasuring Ac.2.43 cents in Sy.No.399/ A from the list of Government/ Endowment/ Irrigation lands and further not treating the same as private patta land and the consequential action of the Sub-Registrar in refusing to entertain the sale deed for registration, as arbitrary, illegal and contrary to the provisions of the Registration Act, 1908; and consequently direct the respondent to delete the said land from the list by duly declaring the same as private patta land and also direct the sixth respondent to entertain the sale deeds for registration.

3) It is the case of the petitioners that though they presented the documents, the sixth respondent refused to receive and register the same on the ground that the property was mentioned in the list of Government/ Endowment/ Irrigation Lands.

4) 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.

5) As per Section 71 of the Registration Act (for short “ the Act”), the sixth 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.

6) In view of the above, the sixth respondent 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.

7) 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.

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JUSTICE C. PRAVEEN KUMAR

02.01.2017  
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