

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.35985 OF 2018

ORDER :

The grievance of the petitioner is that he purchased land to an extent of Ac.1.00 in R.S.No.129/1, situated at Jakkampudi Village, Vijayawada Rural Mandal, Krishna District and presented the same before the 3rd respondent for registration of the said property. But, the 3rd respondent refused to receive the same. Aggrieved by the same present writ petition is filed.

Learned Counsel for the petitioner submits that the 3rd respondent is bound to receive the document as per Section 71 of the Registration Act, 1908 (for short 'the Act').

Heard learned Assistant Government Pleader for Revenue.

Section 71 of the Registration Act, 1908 (for short 'the 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 situated 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 Act (for short “the Act”), the 3rd respondent is bound to receive the document and register, if the same is in order as per the Indian Stamp Act, 1899 and the Registration Act and Rules made thereunder. Otherwise he shall record the reasons for refusal of the registration.

In view of the above, the writ petition is disposed of directing the 3rd respondent to receive and process the document presented by the petitioner for registration in relation to the subject property, if the same is in order and is not in the list of prohibited properties as per Section 22 A of the Registration Act and there is no injunction operating against the properties regarding alienation of the properties. If he wants to refuse registration, he shall pass appropriate orders duly recording the reasons for such refusal in accordance with Section 71 of the Act and communicate the same to the petitioner. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

22.10.2018
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