

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 36798 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents 3 and 4 in not registering the sale deed presented by the petitioners in respect of land admeasuring Ac.3.00 cents out of Ac.4.00 cents in Sy.No.68/ 2A1V, situated at Joharapuram Village fields, Kurnool Municipal Corporation, Kurnool District, vide patta Nos. 22 and 23, as illegal and arbitrary.

2) 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.

3) As per Section 71 of the Registration Act (for short “ the Act”), the respondents 3 and 4 are bound to receive the documents and register, if the same are in order as per Stamps

and Registration Act and Rules made thereunder. If they want to refuse the registration, they have to record the reasons as envisaged under Section 71 of the Act referred to above.

4) In view of the above, the respondents 3 and 4 are 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 they are not inclined to register the same, they shall record reasons and communicate the same to the parties.

5) 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.

10.10.2018
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JUSTICE C. PRAVEEN KUMAR

