

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 37688 of 2018

ORDER:

1) Heard learned counsel for the petitioners and Government Pleader for Revenue. With the consent of both the parties, the writ petition is heard at the admission stage itself.

2) The present writ petition came to be filed seeking issuance of writ of mandamus directing the respondents to receive and register the document of the petitioners or their vendors on its presentation, in respect of land admeasuring 300 square yards in Plot No.61 of the 1<sup>st</sup> petitioner, 200 square yards in Plot No.23 of the 2<sup>nd</sup> petitioner, and 115 square yards in Plot No.43 of the 3<sup>rd</sup> petitioner, comprising of Patta No.42 in Survey No.151/ 1C, Sarada Nagar Layout, PR No.126/ 87, dated 27.10.1987 (approved layout), situated at Vepagunta Village, Pendurthy Mandal, Greater Visakhapatnam Municipal Corporation, Gopalapatnam S.R.O Limits, Visakhapatnam district, by virtue of agreement of sale dated 03.10.2018, 05.10.2018 and 11.05.2018 respectively and return the same on being registered.

3) 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.

4) As per Section 71 of the Registration Act (for short “ the Act”), the respondents 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 the authority concerned wants to refuse the registration, he has to record the reasons as envisaged under Section 71 of the Act referred to above.

5) In view of the above, the concerned authority 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 the concerned authority intends not to register the same, he shall record reasons and communicate the same to the parties.

6) 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.

JUSTICE C. PRAVEEN KUMAR

12.10.2018  
DMG