

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 37303 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the second respondent in not registering the document in respect of Flat No.301 in the 3rd floor of Municipal H.No.8-8-384/ 1 known as “Sri Nilaya Residency” having plinth area of 750 square feet together with undivided share of land admeasuring 25 square yards or equivalent to 20.90 square meters out of total land admeasuring 500 square yards equivalent 418.05 square meters on plot Nos. 21/ A and 21 in Sy.Nos. 250 to 260 and 263 to 304 in Ward No.8, Block No.8 situated at Greenpark Colony, Karmanghat, Saroornagar Mandal, Ranga Reddy District, 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 2nd 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.

4) In view of the above, the 2nd 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 is not inclined to register the same, he 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.

JUSTICE C. PRAVEEN KUMAR

11.10.2018
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