

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 37562 of 2018

ORDER:

1) Heard learned counsel for the petitioner 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 declaring the impugned action of the 2nd respondent in not receiving the document presented by the petitioners by virtue of Sale Agreement with Power of Attorney (Sale Deed) dated 14.09.2018 and register and release the same in respect of the property of vacant site, admeasuring 5000 sq.yards or 4180.65 sq.meters, situated in Sai Madhava Nagar Area in Patta No.36 covered by Survey No. 141/A1 of Vepagunta village within the limits of Greater Visakhapatnam Municipal Corporation, Gopalapatnam S.R.O limits, Visakhapatnam, as illegal, arbitrary and unconstitutional.

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 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.

5) 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 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