

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.38491 OF 2018

ORDER :

This writ petition is filed challenging the action of the 3rd respondent in not registering the documents presented by the petitioner in respect of Flat bearing No.503 (in fifth floor) of 'ALAMO' with built-up area of 1155 square feet (including common area) and one car parking area of 100 Square Feet, along with undivided share of land 48 square yards, constructed on House No.2-41/6/2/A on part of Plot No.51, House No.2-41/6/2/B on Plot No.52, and part of Plot of No.51, House No.2-41/6/C/53 on Plot No.53, House No.2-46/11/54 on plot 54, in survey Nos.41/12_ and 41/13_ (Old Nos.41/12 and 41/13) situated at Khanamet Village, GHMC Serilingampally Circle, Serilingampally Mandal, Ranga Reddy District, as illegal and arbitrary and contrary to law and for a consequential direction to the respondents to receive and register the document presented by the petitioner.

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.

25.10.2018
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A.RAJASHEKER REDDY, J

