

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.38475 OF 2018

ORDER :

This writ petition is filed challenging the action of the 4th respondent in not entertaining the document in respect to the land admeasuring Ac.5.00 cents in Survey No.416-4A1 of Kalyanadurgam Revenue Village and Mandal, Anantapuram District for registration though several transactions were made in the same Sub-Registrar's office with regard to the same survey number.

Learned Counsel for the petitioner submits that the 4th 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 4th 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 there under. Otherwise he shall record the reasons for refusal of the registration.

In view of the above, the writ petition is disposed of directing the 4th 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.

A.RAJASHEKER REDDY, J

25.10.2018
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