

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.38747 of 2018

ORDER:

The present writ petition is filed declaring the action of the 1st respondent to receive the documents presented by the petitioner for registration in respect of land bearing plot Nos 332 and 333 admeasuring 600 square yards, plot Nos 631 and 632 admeasuring 778 square yards, plot Nos 331 and 332 admeasuring 600 square yards, plot No.549 admeasuring 500 square yards, plot Nos 337 and 338 admeasuring 800 square yards, plot Nos 339 and 340 admeasuring 800 square yards and plot No.511/A admeasuring 641.6 square yards and all plots are located in Sy.No.441/1 situated at Matrusri Co-operative house building society limited, Matrusri Layout, Miyapur, Serlingampally Mandal, Ranga Reddy District, as illegal and arbitrary and for a consequential direction to the 1st respondent to entertain the documents presented by the petitioners in respect of the subject lands.

Heard learned counsel for the petitioner and 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 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.

As per Section 71 of the Act, the 1st respondent is bound to receive the documents and register, if the same are 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 1st respondent is directed to receive and register the documents presented by the petitioner, if the same are in order as per the provisions of Indian Stamps and Registration Act and the Rules made thereunder, and if the subject land is not included in the list of prohibited properties for registration as per Section 22-A of the Act or not prohibited for registration by any order/injunction passed by the Court or competent authority. If he wants to refuse registration, he shall record reasons and communicate the same to the parties.

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.

A.RAJASHEKER REDDY,J

29-10-2018
Nvl