HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.39160 of 2018

ORDER:

The case of the petitioner is that she has purchased house plot to an extent of Ac.0.04 ½ cents in sy.No.104/3 situated at 14th ward, Mydukuru Municipality, YSR Kadapa District through a document dated 14-02-2015 from one Hussain Bee and her sons. The vendor's husband of the petitioner and father of other vendors by name Khaja Mohiuddin purchased the said plot through a sale deed dated 18-05-2006 bearing registered document No.633/2006. Said Khaja Mohiuddin's vendor purchased the said plot through registered document No.1175/1943. The petitioner and her vendors approached the 3rd respondent to register a sale deed. Since the 3rd respondent refused to register the same, the petitioner filed WP.No.16609 of 2015 and the same was disposed of by this Court vide order dated 12-06-2015 directing the registering authorities to receive the documents without insisting upon NOCs and register and release the same in accordance with due procedure and if the registering authority concerned is of the opinion that any document presented for registration warrants for denial, he shall pass order assigning the reasons for such refusal and communicate the same to the parties in accordance with Section 71 of the Registration Act (for short "the Act"). In pursuance to the directions, the 3rd respondent received the document on 31-08-2015 and the petitioner paid requisite stamp duty and registration charges.

The officials of 3rd respondent having received the document failed to release the document inspite of efforts made by the petitioner. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

Section 71 of the Registration Act, 1908 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, having received the document, the Sub-Registrar has to register the same 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 3rd respondent is directed to register the document presented by the petitioner, if the same is 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

31-10-2018
Nvl

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
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