

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.39454 of 2018

ORDER:

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the 2nd respondent in refusing to receive and register the document presented by the petitioners in respect of land admeasuring Ac.2.78 cents and Ac.3.00 cents, totally admeasuring Ac.5.78 cents in Sy.No.88, situated at Gargeyapuram Village, Kurnool Mandal and District, as illegal and arbitrary.

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.

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.

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 is not inclined to register the same, he shall record reasons and communicate the same to the petitioners.

With the above direction, the Writ Petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 02.11.2018
Dsr

Note:
Furnish copy in three days
B/o
Dsr

CHALLA KODANDA RAM,J

