

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40016 of 2018

ORDER:

The present writ petition is filed declaring the action of the 3rd respondent in refusing to receive the document i.e., sale deed presented by the petitioners in respect of land admeasuring 1134 sq.yds in Sy.No.233/21, situated at Nizampet Village and Gram Panchayat, Bachupally Mandal, Medchal-Malkajgiri District as illegal and arbitrary and consequently to direct the 3rd respondent to register the said document.

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 (for short "the Act"), the 4th 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.

Learned counsel for the petitioners submits that in similar circumstances, this Court allowed WP No.34867 of 2011 on 14.09.2012.

In view of the above, the 3rd respondent is directed to receive and register the document presented by the petitioners, 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 Registration Act, 1908 or not prohibited for registration by any order/injunction/attachment passed by the Court or competent authority. If he wants to refuse registration, he shall record reasons and communicate the same to the parties. It is open for the petitioners to place the order dated 14.09.2012 in WP No.34867 of 2011 and it is for the 3rd respondent to consider the same while considering the sale deed of the petitioners.

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

06.11.2018
kvs

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