

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40040 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of respondents 2 and 3 in not registering the house site plots of the petitioners situated in Survey Nos.2168/1, 2169, 2170 to 2177, Nellore Bit-1, Kothur Village, Kothur Gram Panchayat, Nellore, as arbitrary and illegal and consequently direct respondents 2 and 3 to register the above said house site plots of the petitioners.

2. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue.

3. 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.”

4. As per Section 71 of the Act, the 2nd 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, 1908 and Rules made thereunder. Otherwise he shall record reasons for refusal of the registration.

5. In view of the above, the 2nd respondent is directed to receive and register the document presented by the petitioners, if the same is in order as per the provisions of the Indian Stamps and the Registration Act and the Rules made thereunder, and if the subject lands are 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 passed by the Court or competent authority. If he wants to refuse registration, he shall record reasons and communicate the same to the parties.

6. 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.

NOVEMBER 08, 2018
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A.RAJASHEKER REDDY,J

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



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Date:08.11.2018

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