

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.41010, 41096 and 40781 of 2018

COMMON ORDER:

Since the issue involved in these Writ Petitions is one and the same, they are being heard together and disposed of by way of this Common Order.

These Writ Petitions are filed assailing the action of the 3rd respondent in orally refusing to receive the documents presented by the petitioners for registration in respect of land admeasuring Ac.1.28 gts & Acs.6.27 gts in Sy.No.683/B, and Ac.2.22 gts in Sy.No.683, situated at Devaryamjal Village, Shamirpet Mandal, Medchal-Malkajgiri District, respectively on the ground of inclusion of same in the prohibited list of properties under Section 22-A of the Registration Act.

Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue appearing for respondents 1 to 3 and learned Government Pleader for Endowments appearing for 4th respondent.

Learned counsel for the petitioners submits that the vendors of the petitioners are lawful owners and possessors of the subject land, having purchased the same through registered sale deeds in the year 2007. When the petitioners approached the 3rd respondent, he refused to receive the said documents on the ground that the subject lands are included in the list of prohibited

properties under Section 22-A of the Registration Act, but subject land is not included in the prohibited list.

On the other hand, learned Assistant Government Pleader for Revenue appearing for respondents on instructions, submits that the subject property is included in the list of prohibited properties and a letter was addressed by the Inspector General of Stamps and Registration to that effect.

Learned Government Pleader for Endowments submits that there is a long pending civil dispute between the private individuals and the Endowments in respect of the subject property.

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 3rd 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. It is for the 3rd respondent to verify whether the subject property is included in the list of prohibited properties under Section 22-A of the Act, and 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 petitioners, 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 petitions are disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petitions shall stand closed.

A.RAJASHEKER REDDY,J

Date: 10-12-2018
B/o.kvs

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