HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.41019 of 2018

ORDER:

This writ petition is filed challenging the action of the 6th respondent in refusing to receive, register and release the document in respect of land in Sy.No.143, to an extent of Ac.15.42 cents, situated at Kodimi Village, Ananthapuram District.

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, the 6th 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.

In view of the above, the 6th 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, without reference to the entry in the Adangal, 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

14-11-2018
tk