

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.41604 OF 2018

ORDER:

The grievance of the petitioners is that the 2nd respondent is not registering and releasing the documents presented by the petitioners on 29-08-2018 in respect of the plots in question having received the documents without any justification and, therefore, seeks for appropriate directions in the interest of justice.

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

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 is 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, which is referred to supra.

In view of the above, inasmuch as it is the case of the petitioners that they have already presented the documents in respect of the plots in question and the documents are received by the 2nd respondent, the 2nd respondent is directed to register the same, if the said property is not in the list of prohibited properties for registration as per Section 22-A of the Registration Act and if any injunction or order of the Court is not operating regarding non-alienation also if the same is in order as per provisions of Indian Stamp Act and Registration Act and the Rules made thereunder and in case he wants to refuse 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. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

Dated: 22-11-2018
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