

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.42792 of 2018

ORDER :

The present writ petition is filed seeking to declare the action of the 2nd respondent in not receiving and processing the document sought to be presented by the petitioner with respect to the land admeasuring Ac.2.38 gts., Ac.1.30 gts. and Ac.1.21 gts., in Sy.Nos.904/AA2, 366/C/A and 366/B/1 respectively, situated at Alampur-II village of Alampur Mandal, Mahabubnagar District in favour of third parties, as illegal and arbitrary and for a consequential direction to the 2nd respondent to receive and register the document sought to be presented by the petitioner in respect of the subject lands.

Heard learned counsel for the petitioner and the 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.”

Therefore, 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 and Rules made thereunder. Otherwise, he shall record the reasons for refusal of registration.

In view of the above, the 2nd respondent is directed to receive and register the document presented by the petitioner, if the same is in order as per the provisions of the 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 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. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

A. RAJASHEKER REDDY, J

29th November, 2018

ajr