

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.44336 of 2018

ORDER:

The present writ petition is filed declaring the action of the 3rd respondent in not receiving the document for registration in respect of the land to an extent of Ac.0.60 cents in Sy.No.123/3 of Gollaganganapalle Village, Valluru Mandal, YSR Kadapa District, as illegal and arbitrary and for a consequential direction to the 3rd respondent to entertain the documents presented by the petitioner in respect of the subject land.

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 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. Otherwise he shall record the reasons for refusal of the registration.

In view of the above, the 3rd respondent is directed to receive and register the documents presented by the petitioner, 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 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.

12-12-2018
kvs

A.RAJASHEKER REDDY,J

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