

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5542 of 2019

ORDER:

1 The prayer of the petitioner in this case reads as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue writ or direction more particularly one in the nature of writ of mandamus declaring the action of the 31d respondent in refusing to receive the documents presented by the petitioner for registration in respect of Plot bearing No 114 under Sy.Nos.5, 6, 7, 10, 10/1, 11, 11/1, 12/1, 12/43 and 13/2 admeasuring 282 22 sq yards situated at Radhakrishnapuram ammuguda under Kapra Municipality Malkajgiri Mandal MedchalMalkajgiri District without assigning any reasons as illegal arbitrary unjust unconstitutional violation of principles of natural justice and also contrary to the provisions of Registration Act 1908 and consequently direct the respondents 2 and 3 to receive and register the documents presented by the petitioner for registration in respect of subject lands and pass such other relief or reliefs as this Honble Court deems fit and proper in the circumstances of the case.”

2 Sri Mohd. Moin Ahmed Quadri, learned counsel for the petitioner, would assert that the Sub-Registrar, Registration and Stamps Department, Sub-Registrar's Office, Malkajgiri, Medchal Malkajgiri District, is refusing to even receive the documents presented by the petitioner.

3 It is not open to a registration authority to refuse registration at the threshold by not accepting a document. In terms of Section 71 of the Registration Act, 1908 (for brevity, 'the Act of 1908'), every Sub-Registrar who refuses to register a registerable document, has to make an order of refusal recording his reasons therefor and endorse the words 'registration refused' upon the document. Such an order of refusal has to be communicated to the party.

4 In that view of the matter, the Writ Petition is disposed of directing the Sub-Registrar, Registration and Stamps Department, Sub-Registrar's Office, Malkajgiri, Medchal Malkajgiri District, to receive and process the documents presented by the petitioner in relation to the subject land. In the event the document so presented by the petitioner is found to be in order and in compliance with the requirements of the Act of 1908 and the Indian Stamp Act, 1899, the Sub-Registrar shall complete the registration

formalities and release the document in accordance with the due procedure. However, if he finds any grounds to refuse registration, he shall pass an order of refusal under Section 71 of the Act of 1908 and communicate the same to the petitioner.

5 Miscellaneous Petitions pending in this Writ Petition shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

19th March, 2019.
Kvsn

