

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5644 of 2019

ORDER:

The prayer of the petitioners 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 respondents more particularly the 3rd respondent in refusing to register the documents presented by the petitioner in respect of plots covered under land bearing Sy.No.22/Paiki admeasuring Acs.5.22 gts situated at Asifnagar, Hyderabad, as illegal, arbitrary, unjust, unconstitutional, violation of principles of natural justice and also contrary to the provisions of the Registration Act, 1908, and consequently to direct respondent Nos.2 and 3 to register and release the documents presented by the petitioner in respect of subject land and pass such other relief or reliefs as this Honble Court deems fit and proper in the circumstances of the case.”

Sri A.Jagan, learned counsel for the petitioners, would assert that the Sub-Registrar, Registration and Stamps Department, SRO, Golconda, Hyderabad District, is refusing to even receive the documents presented by the petitioners.

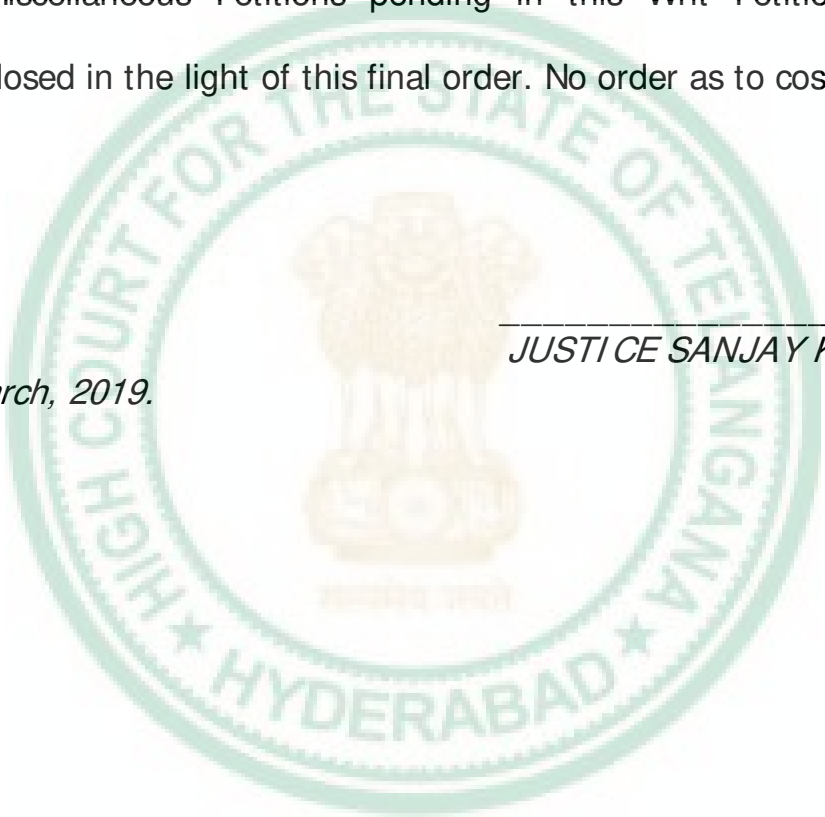
It is not open to a registration authority to refuse registration at the threshold by not accepting a document. In terms of Section 71 of the Registration Act, 1908 (for brevity, ‘the Act of 1908’), every Sub-Registrar, who refuses to register a registerable document, has to make an order of refusal 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.

In that view of the matter, the Writ Petition is disposed of directing the Sub-Registrar, Registration and Stamps Department, SRO, Golconda, Hyderabad District, to receive and process the documents presented by the petitioners in relation to the subject land. In the event the documents so presented by the petitioners

are 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 documents 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 petitioners.

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

19<sup>th</sup> March, 2019.  
dr

  
\_\_\_\_\_  
JUSTICE SANJAY KUMAR