

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6177 of 2019

ORDER:

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 3rd respondent in refusing to receive the documents presented by the Treasurer/authorized signatory of the petitioner society on behalf of the petitioner for registration in respect of lands under Sy.No.618 total admeasuring Acs.13.18 Gts situated at Chatanpally Village, Farooqnagar Mandal, Ranga Reddy District, without assigning any reasons as illegal, arbitrary, unjust, unconstitutional, violation of principles of natural justice and also contrary to the provisions of the Registration Act, 1908, and consequently direct respondent Nos.2 and 3 to receive and register the documents presented by the Treasurer/authorized signatory of the petitioner society on behalf of petitioner for registration in respect of the subject lands and pass such other relief or reliefs as this Honb’le Court deems fit and proper in the circumstances of the case.”

Sri Mohd. Moin Ahmed Quadri, learned counsel for the petitioner, would assert that the Sub-Registrar, Registration and Stamps Department, Sub-Registrar’s Office, Shadnagar, Ranga Reddy District, is refusing to even receive the documents presented by the petitioner for registration.

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,

Sub-Registrar's Office, Shadnagar, Ranga Reddy District, to receive and process the documents presented by the petitioner in relation to the subject land. In the event the documents so presented by the petitioner 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 petitioner.

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

25th March, 2019.
dr

JUSTICE SANJAY KUMAR