

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8504 OF 2019

ORDER

This Writ Petition is filed challenging the action of the 3rd respondent - Sub-Registrar in refusing to receive and register the sale deeds presented by the petitioners in respect of the land admeasuring Ac.1.07 guntas in Survey No. 398, Ac.0.16 guntas in Survey No. 396/A, Ac.0.20 guntas in Survey No. 396/AA, Ac.1.02 guntas in Survey No. 394/A, Ac.1.17 guntas in Survey No. 399/A, Ac.0.05 guntas in Survey No. 395, Ac.0.14 guntas in Survey No. 399/AA, Ac.1.08 guntas in Survey No. 394/AA situated at Medak Town and Mandal.

Learned Counsel for the petitioners submits that the petitioners are the owners of the above said land and the Tahsildar had also issued pattadar passbooks and pahanies in their favour. Therefore, the 3rd respondent is bound to receive the documents as per Section 71 of the Registration Act, 1908 (for short 'the Act').

Learned Government Pleader for Revenue submits that the issue raised in this Writ Petition is squarely covered by the order of this Court in Writ Petition No.38491 of 2018, dated 25.10.2018.

However, for better appreciation, Section 71 of the Act is extracted as under:

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 situated 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.

The above-said provision makes it clear that the 3rd respondent is bound to receive the document and register, if the same is in order, as per the Indian Stamp Act, 1899 and the Registration Act and the Rules made thereunder. In case of refusal, he shall record the reasons therefor.

In view of the above, the Writ Petition is disposed of directing the 3rd respondent to receive and process the documents presented by the petitioners in respect of the subject property, for registration, if the same is in order and is not in the list of prohibited properties as per Section 22 A of the Registration Act and there is no injunction operating against the properties regarding alienation of the properties. If the 3rd respondent does not wish to register the documents, he shall record the reasons therefor in accordance with Section 71 of the Act and communicate the same to the petitioners. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

14th August 2019

Issue CC forthwith.
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