THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.17381 of 2019

ORDER

This writ petition is filed seeking the following relief :-

> ".....to issue a writ, order or direction more in the nature of writ of Mandamus declaring the action of the 3rd respondent in not receiving, registering and releasing the Sale Deed submitted by the petitioner in respect of Flat No.101 in First Floor, H.No.2-17/8 to 13/USJR/101, (PTIN No.1219976173) of "Udayasri's Sai Jyothi Residency" having a builtup area of 1850 square feet together with undivided share of land admeasuring 64 square yards out of total extent of 911 square yards on Plot Nos.8, 9, 10, 11, 12 and 13 in Sy.No.55 situated at Khanamet Village, Serilingampally Mandal, under GHMC Serilingampally Circle, Ranga Reddy District, as illegal, arbitrary and violative of Art.14 and 300-A of the Constitution of India and consequently to direct the Respondent No.3 to receive, register and release the Sale Deed presented by the petitioner.....".

Learned Counsel for the petitioner submits that the petitioner is the owner of the Flat No.101 situated at Khanamet Village, Serilingampally Mandal, Ranga Reddy District and the 3rd respondent is bound to receive the document as per Section 71 of the Registration Act, 1908 (for short 'the Act').

The learned Government Pleader submits that the issue raised in this writ petition is squarely covered by the order of this Court in W.P.No.38491 of 2018 dated 25.10.2018.

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 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.

As per Section 71 of the Act, 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 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 document presented by the petitioner for registration in relation to the subject property, 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 he

wants to refuse registration, he shall pass appropriate orders duly recording the reasons for such refusal in accordance with Section 71 of the Act and communicate the same to the petitioner. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

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CHALLA KODANDA RAM, J

14.08.2019
Prv