

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.17359 of 2019

ORDER

This writ petition is filed challenging the action of the 3<sup>rd</sup> respondent in not registering the document presented by the petitioner in respect of agricultural land admeasuring Ac.1.00 gts., or 0.405 hectares in Sy.No.153/24 situated at Pothireddypally village, Sangareddy Mandal and District.

Learned Counsel for the petitioner submits that the petitioner is the owner of the land admeasuring Ac.1.00 gts., or 0.405 hectares in Sy.No.153/24 situated at Pothireddypally village, Sangareddy Mandal and District and the Tahsildar also issued pattadar passbooks and pahanies in favour of the petitioner and the petitioner is in possession of the said land. Therefore, the 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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

