

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.17498 of 2019

ORDER:

This writ petition is filed challenging the action of the 4th respondent in not registering the documents submitted by the petitioners, and keeping them pending vide pending document Nos.P-897/2018, P-898/2018, dated 27.10.2018 and P-911/2018 dated 02.11.2018 in respect of lands admeasuring 2350 square yards, forming part of Survey Nos.103, 105, 106 and 109 of Gachibowli Village, Serilingampally Mandal, Ranga Reddy District.

Learned Counsel for the petitioners submits that the petitioners are owners of the aforesaid lands and they paid the prescribed registration fee, therefore, the 4th respondent is bound to receive and register the document as per Section 71 of the Registration Act, 1908 (for short 'the Act').

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 4th 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 4th respondent to receive and process the document presented by the petitioners 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.

16th August, 2019

ksm

JUSTICE CHALLA KODANDA RAM

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