

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 20323 of 2019

ORDER :

This Writ Petition is filed to declare the action of the 2nd respondent Sub-Registrar in refusing to receive, register and release the sale deed presented by the petitioner executed in favour of Mr. Vinay Vikram Kumar Pallay in respect of residential house No. 20-1/SC/33, situated at Surabhi Colony, Chandanagar Village, Serilingampally Mandal, Ranga Reddy District, as illegal and arbitrary.

Heard learned counsel for the petitioner.

Learned Assistant Government Pleader for Revenue on instructions submits that the subject property is not in the list of prohibited properties as per the Sub-Registrar's records.

Section 71 of the Registration 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 situate 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 Registration Act, the 2nd respondent is bound to receive the document and register, if the same is in

order as per the Stamps and Registration Act and the Rules made thereunder. If the 2nd respondent wants to refuse the registration, he has to record the reasons therefor as envisaged under Section 71 of the Act, referred to supra.

In view of the above, it is open for the petitioners to present the document before the 2nd respondent for registration, on such submission, the latter is directed to receive and register the same, if the same is in order as per provisions of the Indian Stamp Act and the Registration Act and the Rules made thereunder and if he wants to refuse to register the same, he shall record reasons and communicate the same to the parties.

With the above direction, the Writ Petition is disposed of. No costs.

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

CHALLA KODANDA RAM, J

19th September 2019

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