

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.1826 of 2020

ORDER:

The present writ petition is filed declaring the action of the 3rd respondent in refusing to receive the documents for registration in respect of the property bearing Plot No.362 admeasuring 200 sq.yds in Sy.No.52/1 & 52/2 of Maktha Mahabubpet, Serilingampally under the limits of Serilingampally, Ranga Reddy District, as illegal and arbitrary and for a consequential direction to the 3rd respondent to entertain the documents presented by the petitioner in respect of the subject property.

Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue.

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 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.

Learned Assistant Government Pleader for revenue submits that the petitioners instead of approaching the concerned Sub-Registrar, he has made allegation against the 3rd respondent-the District Registrar.

Learned counsel for the petitioners submits that the petitioners will approach the concerned Sub-Registrar.

As per Section 71 of the Act, the concerned Sub-registrar is bound to receive the documents and register, if the same are in order as per the Indian Stamp Act, 1899 and the Registration Act and Rules made thereunder. Otherwise he shall record the reasons for refusal of the registration.

Learned counsel for the petitioners submits that the respondents are not receiving the sale deeds submitted by them on the ground that the subject lands are included in the list of government lands and the same is a Government land, but no documents are forthcoming about the same. Unless subject properties are included in the list of prohibited properties as per Section 22-A of the Act, registering authorities cannot refuse registration.

In view of the same, it is for the petitioners to approach the concerned Sub-Registrar, who is directed to receive and register the documents presented by the petitioners, if the same are in order as per the provisions of Indian Stamps and Registration Act and the Rules made thereunder, and if the subject land is not included in the list of prohibited properties for registration as per

Section 22-A of the Act or not prohibited for registration by any order/injunction passed by the Court or competent authority, within a period of eight weeks from the date of receipt of a copy of this order. If he wants to refuse registration, he shall record reasons and communicate the same to the petitioners.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

03-02-2020
kvs

A.RAJASHEKER REDDY,J



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