

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.2886 of 2020

ORDER :

This writ petition is filed aggrieved by action of the 3rd respondent in refusing to receive the register the documents presented by the petitioner in respect of land in Plot No.13 situated in Sy.No.31 of Rekurthy Village, Kothapally Mandal, Karimnagar District basing upon the letter of the 4th respondent in contravention of the endorsement dated 28-07-2018 communicated by the 2nd respondent describing the list of prohibited properties from registration of documents.

Learned counsel for the petitioner submits that the subject property is not included in the list of prohibited properties under Section 22-A of the Registration Act nor prohibited for registration by any other law and no injunction is operating not to alienate the subject property, still the 3rd respondent is not entertaining the document filed by the petitioner in respect of subject property.

Heard 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.

As per Section 71 of the Act, the 3rd respondent 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.

In view of the above, the 3rd respondent is directed to receive and register the document presented by the petitioner without reference to the letter dated 28-07-2018 issued by the 2nd respondent, if the same is in order as per the provisions of Indian Stamps and Registration Act and the Rules made thereunder, and if the subject property is not included in the list of prohibited properties for registration as per Section 22-A of the Registration Act, 1908 or not prohibited for registration by any order/injunction passed by the Court or competent authority. If he wants to refuse registration, he shall record reasons and communicate the same to the parties. However, this order shall not affect the

rights of the Government and it is open to assert its rights in accordance with law.

Accordingly, the writ petition is disposed of. No order as to the costs. As a sequel, miscellaneous applications pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

24-02-2020
Nvl



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ARBITRATION APPLICATION No.97 of 2019



31.12.2019
(Msr)