

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3484 of 2020

ORDER:

This writ petition is filed challenging the action of the 3rd respondent in not receiving, processing and refusing to register the Gift Deed presented by the petitioner in respect of residential house flat bearing No.209, Block No.1 in Janapriya Abodes having plinth area of 825 Sq.Ft. with undivided share of land admeasuring 12.80 Sq.Mtrs. of 15.28 Sq.Yards in Musheerabad, Hyderabad.

The case of the petitioner is that he obtained the subject property by virtue of 'Will Deed' dt. 28.01.2015. While so, when he wanted to gift the subject property to his daughter, he executed a Gift Deed in favour of his daughter and approached the 3rd respondent for the purpose of registration along with necessary documents. But, the 3rd respondent refused to receive and register the same. Aggrieved by the same, present writ petition is filed.

Learned Counsel for the petitioners submits that the subject properties are not in the list of prohibited properties as per Section 22-A of the Registration Act or prohibited by any injunction of any Court or prohibited by any other Law, to alienate the 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 respondents are 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 respondents 2 and 3 are directed to receive and register the Sale Deed presented by the petitioner in respect of the subject land, 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 land is not included in the list of prohibited properties for registration as per Section 22-A of the Act and not prohibited for registration by any order/injunction passed by the Court or competent authority or by any law. If he wants to refuse registration, he shall record reasons and communicate the same to the parties.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, in this writ petition shall stand closed.

A.RAJASHEKER REDDY, J

25.02.2020
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THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



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