

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NOS.3527, 3534, 3622 AND 3661 OF 2020

COMMON ORDER

The grievance of the petitioners in these writ petitions is that though their respective properties are not included in the list of prohibited properties for registration under Section 22-A of the Registration Act, 1908, 3rd respondent is not receiving and register the sale deeds presented by the petitioners.

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

Section 71 of the Act reads as under:

"71. 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 herein after contained, the document is directed to be registered."

From a reading of sub-section (1) of section 71 it is clear that the Sub-Registrar refusing to register a document, shall make an order of refusal by recording reasons, and communicate the same to the party.

Having regard to the facts and circumstances and the submissions of the learned counsel, writ petition is disposed of at the stage of admission, directing the 3rd respondent – Sub Registrar, to consider the registration of the respective documents presented by the petitioners, if the same are in order as per provision of the Indian Stamp Act, 1899 and the Registration Act, 1908 and the Rules made there under and the same are not included in the list of prohibited properties for registration under Section 22-A of the Registration Act; or prohibited for registration by any

order/injunction/attachment, passed by a court, or competent authority, or under any law.

In case, if the 3rd respondent intends to refuse to register the same, shall pass order under Section 71 of the Registration Act, 1908 recording reasons and communicate the same to the petitioners.

This exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

Interlocutory applications pending, if any, shall stand closed. No costs.

DATE:24-02-2020
AVS

A.RAJASEKHAR REDDY,J

