

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No. 3691 of 2020**

**ORDER:**

This writ petition is filed challenging the action of respondent No.3 in not accepting and processing the Sale Deed presented by the petitioner for registration in respect of the land admeasuring 120 Sq.Yards, Plot No.3 and also Plot No.152, admeasuring 105 Sq.Yards in Survey Nos.57-58, situated at Tandur Village and Mandal, Vikarabad District within the limits of Tandur Municipality.

Learned Counsel for the petitioners submits that petitioners purchased the subject land from their vendor and paid the necessary stamp duty by way of challan, inspite of the same the 3<sup>rd</sup> respondent is not receiving and registering the documents presented by the petitioners for registration in respect of the subject land. 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.

Learned counsel for the implead petitioner submits that as per Section 172(16) of the Municipalities Act, 2019, no new plot or sub-division shall be registered by the Registration Authority, unless it is

approved by the authority as per the provisions of this Act. He also submits that civil litigation is also pending between the implead petitioner and vendors of the writ petitioner.

Learned Counsel for the petitioner submits that the said civil litigation between the implead petitioner and vendors of the writ petitioner is not pertaining to the present subject matter.

It is to be seen that in this writ petition this Court is not deciding the title between the petitioner and unofficial respondents.

**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 or any other law and 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.

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

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

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**A.RAJASHEKER REDDY, J**

24.02.2020  
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