

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4221 of 2020

ORDER:

The present writ petition is filed declaring the action of the 3rd respondent in refusing to receive and register the partition deed executed by the petitioners pertaining to property bearing H.No.13-6-293 situated at Kurmajiguda, Karwan, Hyderabad as illegal and arbitrary and for a consequential direction to the 3rd respondent to receive and register the partition deed presented by the petitioners.

Learned counsel for the petitioners submits that the document submitted by the petitioners was returned by respondent No.3 on the ground that the subject property is shown as 'Endowments Property' as per records and it does not form part of "Endowment Land" at any time.

Heard learned Assistant Government Pleader for Revenue.

It is relevant here to extract the Section 71 of the Registration Act, 1908 (for short "the Act").

Section 71 of the Registration Act, 1908 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 document and register, if the same is 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 petitioners, 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.

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.

A.RAJASHEKER REDDY,J

27-02-2020

Nvl

