

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.5080 of 2020

ORDER :

This writ petition is filed seeking *Mandamus* declaring the action respondent No.1 in not registering the House bearing Municipal No.8-125/3 in Plot No.94 in Sy.No.99 admeasuring 200 Sq. Yards, equivalent to 167.22 Sq. Meters situated at Muqbool Nagar, Yerrakunta, Kothapet Village, Balapur Mandal (Old Saroornagar Revenue Mandal), Ranga Reddy District, in the name of the petitioner's purchaser, as illegal, arbitrary and in violation of Articles 14, 16 and 300-A of the Constitution of India, and consequently, to direct respondent No.1 to register the House bearing Municipal No.8-125/3 in Plot No.94 in Sy.No.99 admeasuring 200 Sq. Yards, equivalent to 167.22 Sq. Meters situated at Muqbool Nagar, Yerrakunta, Kothapet Village, Balapur Mandal (Old Saroornagar Revenue Mandal), Ranga Reddy District, in the name of the purchaser.

Heard learned counsel for the petitioner and the learned Government Pleader for Stamps and Registration.

Learned counsel for the petitioner submits that though the subject property is not in the list of prohibited properties nor there is any injunction order not to alienate the subject property to anybody, the respondents are not receiving the

document presented by the petitioner and registering the same.

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, respondent No.2 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, respondent No.2 is directed to receive and register the Sale Deed presented by the petitioner,

if the same is in order as per the provisions of Indian Stamps and Registration Act and the Rules made thereunder. If he wants to refuse registration, he shall record reasons and communicate the same to the parties.

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

As a sequel, miscellaneous applications pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

06.03.2020.
Msr



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