

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.24879 of 2021

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Stamps and Registration for the respondents. With their consent, the Writ Petition is disposed of at the stage of admission.

2. The main grievance of the petitioner is that respondent No.3 is refusing to receive, register and release the Sale Deed in respect of the residential house bearing No.24-3/18/17/2, Plot No.12 (part), in Survey Nos.513/4, 514/1 and 515/1, admeasuring 98.25 sq. yards, situated at Vishnupuri Extension, Vimala Devi Nagar, Malkajgiri, within the limits of GHMC Malkajgiri Circle and Mandal, Medchal-Malkajgiri District.

3. Learned Government Pleader has submitted that the official respondents will follow the procedure contemplated under Section 71 of the Registration Act, 1908.

4. 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 situated within his sub-district shall make an order of refusal and recorded 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.

5. In view of the above submission made by the learned Government Pleader coupled with the provision of Section 71 of the Registration Act, 1908, the Writ Petition is disposed of directing the Registering Authority to receive and process the subject documents, subject to the petitioner complying with the provisions of the Indian Registration Act, 1908, and Indian Stamps Act, 1899. It will be open to the Registering Authority to refuse/receive the document presented before him, if he has any other objection, by duly assigning reasons in support of such decision and communicate the said decision to the petitioner.

Miscellaneous petitions, pending if any, shall stand closed.

There shall be no order as to costs.

A.ABHISHEK REDDY, J

Date : 04.10.2021.

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