

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.2541 of 2022

ORDER:

This writ petition is filed aggrieved by the action of the respondents in not entertaining the registration and not initiating to process the lease agreement registration in favour of SBI on the lease premises of the petitioner in respect of admeasuring 90 sq. feet in Ground Floor situated at H.No.5-6-2-4/1, Plot No.358 East Part, Road No.6, Vaidehinagar, Vanasthalipuram, Hayathnagar Mandal, Ranga Reddy District basing on the lease agreement of the petitioner earlier registered for the same premises vide Lease Agreement No.26829/2016 as illegal, arbitrary and violative of Articles 14, 15, 21 and 300-A of the Constitution of India.

2. It is the case of the petitioner that no objection was raised by the respondent No.4 when earlier lease agreement vide document No.26829 of 2016 was presented for registration in the year 2016 in respect of the same subject property and registered the same. Hence, the respondent No.4 could not have taken objection for registration of new lease document presented by the petitioner.

3. The petitioner claims to be the absolute owner of the subject property having purchased the same under registered sale deed bearing document No.2739/96 dated 26.07.1996. Thereafter,

he obtained house construction permission vide proceedings No.G1/BP/458/2002 dated 07.05.2002 and constructed ground plus first floor as per the sanction plan. Later, the property was assessed with municipal tax.

4. The SBI has taken the subject premises on lease in the year 2016 for establishing an ATM. As the earlier lease period expired, the petitioner approached the respondent No.4 and paid an amount of Rs.3,150/- vide challan dated 15.11.2021. However, the respondent No.4 did not process the document without assigning any reasons.

5. Learned Assistant Government Pleader for Revenue submitted that there is no averment in the writ petition as to the reasons for non-registration of lease deed by the respondent No.4. However, directions be issued to the respondent No.4 to follow the procedure prescribed under Section 71 of the Registration Act, 1908.

6. 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 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.

7. 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 lease document subject to the petitioner complying with the provisions of the Registration Act, 1908, and Indian Stamp Act, 1899. It will be open to the registering authority to refusebn the document presented for registration 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.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

B. VIJAYSEN REDDY, J

February 24, 2022
DSK