

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION.No.18936 OF 2022

ORDER:

Heard both sides and perused the material on record.

2. It is submitted by the learned counsel for the petitioner that subject matter of this Writ Petition is squarely covered by the order passed by this Court in W.P.No.34119 of 2021, dated 16.12.2021. The same is not disputed by the learned Government Pleader for Revenue.

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

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.

4. In view of the above submissions made by both the parties 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 document, 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.

5. Consequently, miscellaneous petitions pending, if any, pending in this writ petition shall stand closed.

JUSTICE N.V.SHRAVAN KUMAR

Date: 25.04.2022
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