

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO.28721 OF 2022

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue for the respondents. With their consent, this Writ Petition is disposed of at the stage of admission.

2. Aggrieved by the action of the third respondent in refusing to entertain the subject document for registration in respect of the subject property, the petitioners filed the present Writ Petition.

3. Learned Government Pleader has stated that the respondents will follow the procedure contemplated under Section 71 of the Registration Act, 1908 ("the Act, 1908" for brevity).

Section 71 of the 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 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.

4. In view of the above made submission coupled with the provision under Section 71 of the Act, 1908, this Writ Petition is disposed of directing the Registering Authority to receive and process the subject document/s, subject to the petitioners complying with the provisions of the Act as well as the Indian Stamp Act, 1899. It will be open to the Registering Authority to refuse the document/s presented before them, if he has any objection, by duly assigning reasons in support of each decision and communicate the said decision to the petitioners. It is made clear that this Court has not expressed any opinion on merits of the case as to the entitlement of the petitioners to get the subject document registered.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

(MUMMINENI SUDHEER KUMAR, J)

12th July 2022

NOTE: Issue CC in two days

B/O

RRB