

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.29803 of 2022

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Stamps and Registration appearing for respondent Nos.1 and 2 and Sri Abu Akram, learned Standing Counsel for Waqf Board, appearing for respondent No.3. With their consent, this writ petition is disposed of at the stage of admission.

2. Aggrieved by the action of respondent No.2 in refusing to entertain the subject document for registration in respect of the subject property, the petitioner filed the present writ petition.

3. The learned Government Pleader has stated that the respondents will follow the procedure contemplated under Section 71 of the Registration Act, 1908 (for short, 'the Act').

Section 71 of 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 submission coupled with the provision under Section 71 of the Act, this Writ Petition is disposed of directing the Registering Authority to receive and process the subject document/s, subject to the petitioner 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 him, if he has any objection, by duly assigning reasons in support of such decision and communicate the said decision to the petitioner. It is made clear that this Court has not expressed any opinion on merits of the case as to the entitlement of the petitioner to get the subject document registered.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

MUMMINENI SUDHEER KUMAR, J

Date:20.07.2022

Note:

Issue C.C.in two (2) days.

(b/o)
YVL

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