

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

W.P.No.43799 OF 2022

ORDER:

Heard the learned counsel for the petitioner and the Learned Governed Pleader for Revenue appearing for the respondents. With their consent, the present Writ petition is being disposed of at the stage of admission.

2. Seeking to direct the respondent No.4 to receive, register and release the subject documents presented by the petitioner in respect of the subject property situated at Almasguda Village, Hayathnagar Mandal, Ranga Reddy District, the petitioner has filed the present Writ Petition.

3. Learned Government Pleader has fairly stated that the official 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 submission made by the learned Government Pleader coupled with the provisions of Section 71 of the Act, the Writ Petition is disposed of directing the Registering Authority to receive, register and release the subject documents, subject to the petitioner complying with the provisions of the Act and Indian Stamp Act, 1899. It will be open to the Registering Authority to refuse to register the documents 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.

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

JUSTICE NAGESH BHEEMAPAKA

Dated: 06.12.2022

DSU/GV