

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION No.3569 of 2022

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue for the respondents 1 to 3 and Sri Abu Akram, learned Standing Counsel for Respondent No.4-Wakf Board. With their consent, the Writ Petition is disposed of at the stage of admission.

2. The main grievance of the petitioner is that respondent No.3 is refusing to receive, register and release the document presented by them in respect of the subject property situated at Malkajgiri, under GHMC Malkajgiri Circle and mandal, Ranga Reddy district.

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

4. 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.

5. 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 subject document/s, subject to the petitioners complying with the provisions of the Registration Act, 1908, and Indian Stamp 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 petitioners.

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

B.VIJAYSEN REDDY, J

Date: 23.2.2022

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