

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.34761 OF 2018

ORDER:

The present writ petition came to be filed seeking to declare the action of the respondents in not receiving and considering the re-conveyance deed and thereby not releasing the property of the petitioners under mortgage vide document No.7651 of 2015, as illegal and arbitrary.

It is the case of the petitioners that the 1st petitioner is the absolute owner and possessor of land admeasuring Ac.0.22 gts, situated at Sy.No.103/15/1, Ac.1.02 gts, situated at Sy.No.103/19/1, extent of Ac.1.34 gts, situated at Sy.No.103/20/1 of Bandlaguda Kalasa, Rajendernagar Mandal, Ranga Reddy District, having purchased the same from his vendor through the registered sale deed dated 20.4.2006. While things stood thus, petitioners' society in need of funds, approached Rajendra Jain and requested him to lend an amount of Rs.75,00,000/- and accordingly the said Rajendra Jain agreed to lend the money to which the petitioners executed a mortgage deed dated 26.8.2015 in favour of the said Rajendra Jain mortgaging an extent of Ac.1.00 gts out of the total extent of Ac.3.18 gts. Pursuant to the payment made by the petitioners the said Rajendra Jain agreed to re-convey and execute the re-conveyance deed in favour of the petitioners, for the purpose of releasing the properties under mortgage. Accordingly, the petitioners along with the mortgagee approached the office of the Sub Registrar, Rajendranagar for executing the re-conveyance deed and release the property under mortgage, but the said Sub Registrar refused to receive the same. Hence, the present writ petition.

The learned Government Pleader for Revenue, on instructions, would submit that the 4th respondent-Sub Registrar, may be directed to deal with the issue in terms of Section 71 of Registration Act, 1908 (for short, "the Act").

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 4th respondent-Sub Registrar, to receive and deal with the documents presented by the petitioners for registration in terms of Section 71 of the Act, as early as possible, preferably within a period of two to three weeks from the date of receipt of copy of this order. If the 4th respondent intends to return the documents presented by the petitioners, he may do so, by assigning reasons.

With the above direction, the writ petition is disposed of. No order as to costs. As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand closed.

Dated:27.09.2018.
Gk



C. PRAVEEN KUMAR, J

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR



WRIT PETITION No.34761 OF 2018

Date:27.09.2018

Gk