

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.42976 of 2018

ORDER:

This writ petition is filed challenging the action of the 4th respondent in refusing to register the sale deed presented by the petitioner in respect of the property bearing Municipal Nos.1-4-586/173 and 1-4-586/188, total admeasuring 183.30 square yards, situated at Indira Nagar, New Bakaram, Hyderabad District, Telangana.

The case of the petitioner is that originally house site plots in Survey Nos.254, 255, etc. of Musheerabad (Bakaram), Hyderabad District, were allotted to the several houseless SC/BC persons by the Social Welfare Department of the State. Plot No.188 was allotted to K.L.Chinna Narsimha, S/o.Lingamaiah and Plot No.175 was allotted to K.Laxmaiah in the year 1972 in file No.E/4011/69, by the District Social Welfare Officer, Hyderabad District. Thereafter the allottees have constructed houses and have been living there. Subsequently, K.Lingamaiah and others, have sold their house property bearing Municipal No.1-4-586/173, admeasuring 53.74 square yards, situated at Indira Nagar, New Bakaram, Musheerabad, Hyderabad, in favour of Smt.Zaheda Begum, W/o.Abdul Karim Khan, vide registered sale deed dated 11.12.1996, bearing document No.198 of 1997, in the office of the Sub-Registrar, Chikkadapally (4th respondent herein), for their family necessities. Similarly, the father of the petitioner

Mr.K.L.Kumara Swamy, S/o.K.L.Lingamaiah, sold the house property bearing Municipal No.1-4-586/173, admeasuring 74.32 square yards, situated at Indira Nagar, New Bakaram, Musheerabad, Hyderabad, which was inherited by him, in favour of Sri Faheem Khan, S/o.Abdul Kareem Khan, vide registered agreement of sale-cum-General Power of Attorney with possession, dated 28.02.2010, bearing document No.643 of 2010, in the office of the Sub-Registrar, Chikkadapally.

Mr.K.L.Narsimha, S/o.K.L.Lingamaiah and his wife K.N.Vijay Laxmi sold the house property bearing Municipal No.1-4-586/188, admeasuring 55.24 square yards, situated at Indira Nagar, New Bakaram, Hyderabad, which was inherited by them, in favour of Sri Faheem Khan, S/o.Abdul Kareem Khan, vide registered Sale Deed, dated 31.01.2011, bearing document No.258 of 2011, in the office of the Sub-Registrar, Chikkadapally. The only ground on which the present Writ Petition is filed that the fourth respondent is refusing to register the sale deed on the ground that the third respondent has issued a letter No.C/1612/1992, dated 26.05.2018, to him not to register the documents in respect of the properties in Indiranagar area, stating that the same are assigned lands. Though the respondents are stating that the subject property is also included in the prohibitory list as per the orders in W.P.No.25659 of 2002, no such proceedings including the said properties is furnished to the petitioner. The petitioner believed that no proceedings were issued including the properties in

Indiranagar area in prohibitory list so far. Further, the registrations were entertained in respect of the properties in Indiranagar area till recent past.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

Section 71 of the Registration Act, 1908 (for short ‘the Act’) reads as follows:

“Reasons for refusal to register to be recorded.—

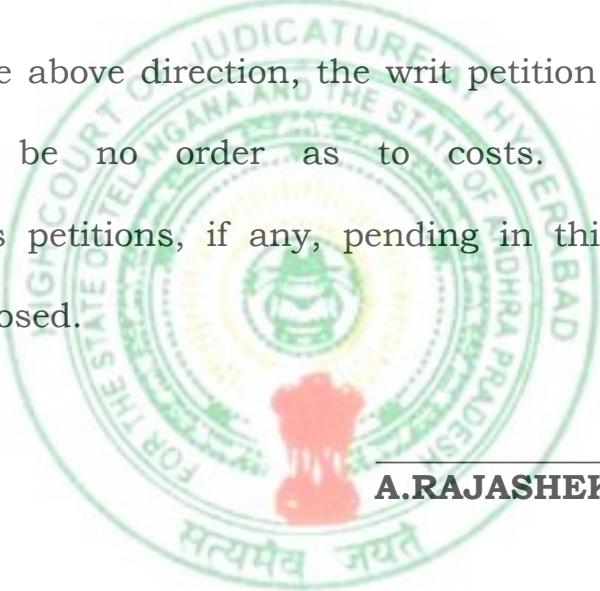
(1) Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the words “registration refused” on the document; 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”.

As per Section 71 of the Act, the 4th respondent is bound to receive the documents and register, if the same is in order as per the Indian Stamp Act, 1899 and the Registration Act and Rules made thereunder. Otherwise he shall record the reasons for refusal of the registration.

In view of the above, the 4th respondent is directed to receive and register the document presented by the petitioner, if the same is in order as per the provisions of Indian Stamps and Registration Act and the Rules made thereunder, and if the subject land is not included in the list of prohibited properties for registration as per Section 22-A of the Act or not prohibited for registration by any order/injunction passed by the Court or competent authority, if he wants to refuse registration, he shall record reasons and communicate the same to the parties.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.



A.RAJASHEKER REDDY, J

12.12.2018

vhb