

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.1903 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ, order or orders more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in not receiving the documents presented by the Petitioner for registration of the Land of the Petitioner admeasuring Ac.56.04 gts., in Survey No.47, 141, 151 and 153 situated at Kapra Village, Keessara Mandal, Ranga Reddy District presently under Medchal-Malkajgiri District, as illegal, arbitrary and in violation of Fundamental Right of the Petitioner more particularly Article 14, 19 and 300A of the Indian constitution and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.'

Sri P.Venu Gopal, learned senior counsel representing Sri B.Mayur Reddy, learned counsel for the petitioner, would point out that it is not open to the revenue authorities to rely upon the notification issued by the erstwhile Government of Andhra Pradesh under the aegis of Section 22-A of the Registration Act, 1908 (for short, 'the Act of 1908'), as it stood prior to 20.06.2007, as the said provision was struck down. He would further assert that the registration authorities are discriminating between identically situated people as the neighbour of the petitioner was allowed to get his document registered but an objection was raised only in relation to the petitioner's documents.

Learned Assistant Government Pleader for Revenue, State of Telangana, appearing for the respondents, would however inform this Court that, as per his instructions, the petitioner did not present any document for registration before the Sub-Registrar, Kapra, Medchal-

Malkajgiri District. He would further state that in the event any document is presented by the petitioner for registration, it would be processed in accordance with law.

In the light of the aforestated statement made on behalf of the authorities, the writ petition is disposed of permitting the petitioner to present his documents for registration in relation to the subject land before the Sub-Registrar, Kapra, Medchal-Malkajgiri District. In the event such documents are found to be in order and in compliance with the requirements of the Act of 1908 and the Indian Stamp Act, 1899, the Sub-Registrar shall complete the formalities and release the documents after due registration. If, however, the Sub-Registrar finds any grounds to deny registration of any particular document, he shall pass a reasoned order of refusal under Section 76 of the Act of 1908 and communicate the same to the petitioner.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

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JUSTICE SANJAY KUMAR

Date:22.02.2019

GJ