

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.1914 of 2019

ORDER:

The grievance of the petitioner company is that the documents presented by it in relation to an extent of 15,724 square yards of land situated in Plot No.A2 and an extent of Acs.4.00 guntas of land in Plot No.A3, Block No.III, Survey No.1 of IDA Uppal, Uppal Mandal, Medchal-Malkajgiri District, are not being entertained by the Sub-Registrar, Registration and Stamps Department, Uppal, Medchal-Malkajgiri District, on the ground that the subject lands are included in the list of prohibitory properties as they are covered by a Court stay.

Having received written instructions from the Sub-Registrar, Uppal, learned Assistant Government Pleader for Revenue, State of Telangana, would inform this Court that the subject lands are not covered by any Court order and that the said endorsement would appear as and when the authorities concerned resort to use of code '9'. He would however state that the lands in question are ceiling surplus lands and therefore, the properties might have been included in the prohibitory list.

It may be noted that Section 22-A(1)(d) of the Registration Act, 1908 (for short, 'the Act of 1908'), specifically includes documents relating to agricultural or urban lands declared as surplus amongst the classes of documents which are prohibited from registration. Therefore, if the said prohibition would have application, it is for the registration authority concerned to apply the statutory prohibition and pass an order of refusal under Section 76 of the Act of 1908. It is not open to the Sub-Registrar, Uppal, to refuse to entertain documents at the threshold on the said ground.

The writ petition is accordingly disposed of directing the Sub-Registrar, Uppal, Medchal-Malkajgiri District, to receive and process the documents presented by the petitioner company, if any, in relation to the subject lands. In the event the Sub-Registrar finds that the documents are in full compliance with the provisions of the Act of 1908 and the Indian Stamp Act, 1899, he shall complete the registration formalities and release the documents. However, if he finds any grounds to refuse registration of the documents in question, he shall pass a reasoned order of refusal under Section 76 of the Act of 1908 and communicate the same to the petitioner company.

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

JUSTICE SANJAY KUMAR

Date:04.02.2019

GJ