

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.2246 of 2019

ORDER:

1 The prayer of the petitioners 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 direction particularly in the nature of the writ of Mandamus, or any other similar writ order or direction to the respondents in general and the respondent No.4 not to return the documents registered on 01.02.2019, under Receipt No.3001, (for document Nos.2088/19, 2089/19, 2090/19, & 2091/19), Receipt No.3002, (for Document Nos.2092/19, 2093/19 & 2094/19), Receipt No.3003, (for Document Nos.2095/19, 2096/19, 2097/19 & 2098/19), Receipt Nos.3003, (for Documents Nos.2099/19, 2100/19, 2101/19 & 2102/19), Receipt No.3005 (for Document Nos.2103/19, 2104/19, 2105/19 and 2106/19) total of 19 documents, one document number seemingly missing, without due enquiry as to their entitlement, and passing a speaking order thereto, and pass such other order or orders as this Hon’ble Court may see fit and expedient in the facts and circumstances of the matter.”

2 In the light of the order proposed to be passed by this Court without going into the merits of the matter, it would not be necessary to put the unofficial respondent Nos.5 to 7 on notice or afford them an opportunity of hearing.

3 Sri Sarosh Sam Bastawala, learned counsel for the petitioners, would state that the documents which find mention in the prayer portion were all presented for registration by the petitioners and upon completion of the formalities, the documents were duly registered by allotting them registration numbers. His complaint, however, is that the receipts relating to these documents were misplaced by the petitioners and there is a possibility of the documents being delivered to persons, who are wholly unconnected with the transactions thereunder, upon production of such misplaced receipts.

4 Rules 101 to 111 in Chapter XVII of the Andhra Pradesh Rules under the Registration Act, 1908, would have application in the State of Telangana and govern the return of documents. No doubt, the Rules generally require the production of the receipt but Rule 106 states that in the event of a receipt being lost, the person who should have produced it may receive the document on making and signing on the counterfoil a declaration of the loss and, if required by the Registering officer, affixing his thumb impression thereto.

5 As the Rule itself contemplates return of the document to the person entitled thereto even if the receipt is lost, the Writ Petition is disposed of directing the Sub-Registrar, Chevella, Ranga Reddy District, to verify the identity of the person who seeks return of the document in question and ensure that such person is the beneficiary / claimant of the document in question, who would be entitled to the delivery of the document. Such verification shall be undertaken by perusing the Adhaar Card of such beneficiary or in the alternative, the Identity Card issued by the Election Authorities. The documents shall be returned only by following this process and not on mere production of the receipt by a third party. This order shall apply only in the event the documents in question have not been returned already.

6 Miscellaneous Petitions pending in this Writ Petition shall stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

6th February, 2019
C.C. Today
B/o Kvsn