

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.2829 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 writ or direction more particularly one in the nature more particularly of writ of Mandamus, declaring the action of the 4th Respondent in not registering the property of the petitioner land bearing Sy.No.143/A/3 to an extent of Ac.3-00 gts, Sy.No.142/AA/6 to an extent of Ac.0-08 gts, Sy.No.142/E/2 to an extent of Ac.0-04 gts, Sy.No.142/E/6 to an extent of Ac.0-06 gts, Sy.No.143/A/1 to an extent of Ac.3-00 gts, total consisting of Ac.6-18 gts, situated at Chelluru Village, Rajapet Mandal, Yadadari Bhongir District is illegal, arbitrary and violative of Rights guaranteed by the Constitution of India 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.'

The learned Assistant Government Pleader for Revenue, State of Telangana, would inform this Court on the strength of the written instructions furnished to him by the Sub-Registrar, Yadagirigutta, that the vendors of the petitioner were restrained by the order dated 21.12.2018 passed by the High Court in C.R.P.No.7470 of 2018 from alienating the suit schedule property in O.S.No.176 of 2018 on the file of the learned Principal Junior Civil Judge at Bhongir (FAC Junior Civil Judge, Alair), Nalgonda District. A copy of the said order is placed on record.

The agreement of sale-cum-GPA executed in favour of the petitioner was dated prior to the aforestated order, having been executed on 05.11.2018 but the learned Assistant Government Pleader would state that on the strength of the aforestated agreement of sale-cum-GPA, the

petitioner wanted to register a sale deed in relation to the subject property which is covered by the order and the registration authorities refused to receive the same.

In any event, it is for the Sub-Registrar, Yadagirigutta, to exercise his discretion in the event he finds that a document presented for registration is not amenable to registration, be it on whatever ground, and pass a reasoned order of refusal under Section 76 of the Registration Act, 1908 (*for brevity*, 'the Act of 1908'). Without doing so, it is not open to him to keep a party in suspense.

The writ petition is accordingly disposed of directing the Sub-Registrar, Yadagirigutta, Yadadari-Bhongir District, to receive and process the agreement of sale-cum-GPA presented by the petitioner. In the event he finds any ground to refuse registration of the said 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 shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

28th FEBRUARY, 2019

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