

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.3640 OF 2019

ORDER

The grievance of the petitioners is that the Sub-Registrar, Medchal-Malkajgiri District at Malkajgiri, the third respondent herein, is not registering the sale deeds presented by them in relation to their plots in Survey Nos.5, 6, 7, 10, 10/1, 11/1, 12/1, 12/42 and 13/2 of Ammuguda Village, Kapra Mandal, Medchal-Malkajgiri District.

Learned Assistant Government Pleader for Revenue, State of Telangana, would inform this Court that the documents presented by the petitioners were kept pending registration with Nos.P-31, P-32, P-33 and P-34 of 2019. According to the Sub-Registrar, Malkajgiri, who addressed letter dated 08.03.2019 to the Office of the Government Pleader, he kept the aforestated documents pending registration being of the opinion that registration of the documents may amount to committing contempt in relation to the order dated 09.03.2018 passed in C.R.P.No.4816 of 2014.

It is not clear from the aforestated communication as to whether the Sub-Registrar is of the opinion that the subject lands are ceiling surplus lands under the provisions of the Urban Land Ceiling and Regulation Act, 1976.

Perusal of the order dated 09.03.2018 passed in C.R.P.No.4816 of 2014 demonstrates that the petitioners are not parties to the said litigation and the direction therein was limited to the parties in that case only. The said order would therefore have no impact upon the Sub-Registrar dealing with the subject documents presented by the petitioners.

So far as the status of the land covered by these documents is concerned, it is for the Sub-Registrar to examine the issue and take a decision. In any event, it is not open to the Sub-Registrar to sleep over the matter indefinitely. If he finds the documents to be in order and in compliance with the requirements of the Registration Act, 1908 (*for brevity*, 'the Act of 1908') and the Indian Stamp Act, 1899, he would necessarily have to complete the registration formalities and release the documents. If, on the other hand, he finds any grounds to deny registration, he would have to exercise his power under Section 71 of the Act of 1908 and pass a reasoned order of refusal under Section 76 of the Act of 1908. The exercise, one way or the other, shall be completed by the Sub-Registrar, Medchal-Malkajgiri District at Malkajgiri, expeditiously and in any event, not later than two weeks from the date of receipt of a copy of this order, be it from whatever source.

The writ petition is disposed of accordingly. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

8th MARCH, 2019

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SANJAY KUMAR, J