

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5191 of 2019

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to pass an order or Writ or direction preferably in the nature of a writ of mandamus declaring the action of 3rd respondent Sub-Registrar dt.11-03-2019 in refusing to process the sale deed dt.11-03-2019 of the petitioner by referring to A.P.Gazette notification dt.09/02/1989 as illegal arbitrary unconstitutional and violative of the rights of the petitioner under Articles 14 of the Constitution of India apart from being contrary to the Registration Act, 1908 and consequently direct the respondents, especially respondent no.3 sub-registrar, Uppal, Medchal-Malkajgiri to register the sale deed presented by the petitioner dated 11-03-2019 and pass such other order further orders that are deemed fit and proper in the circumstances of the case.’

Though the learned Assistant Government Pleader for Revenue, State of Telangana, would point out that in terms of the Gazette Notification dated 09.02.1989, the property covered by the document presented by the petitioner partakes the nature of a wakf property and therefore, there can be no alienation thereof in terms of the provisions of the Wakf Act, 1995, it is not open to the Sub-Registrar, Uppal, Medchal-Malkajgiri District, to refuse to receive a document at the threshold. In the event he finds a document which has been received and processed to be unfit for registration, be it on whatever ground, he has to pass a refusal order under Section 76 of the Registration Act, 1908.

The writ petition is therefore disposed of directing the Sub-Registrar, Uppal, Medchal-Malkajgiri District, to receive and process the document presented by the petitioner. In the event the said document is

found to be in order and in compliance with the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899, he shall complete the registration formalities and release the document. If, however, he finds any grounds to refuse registration of the document, he shall pass an order of refusal under Section 76 of the Registration Act, 1908, and communicate the same to the petitioner expeditiously and in any event, not later than four weeks from the date of presentation of such document.

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

Date:13.03.2019

GJ

JUSTICE SANJAY KUMAR

