

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.7244 OF 2018

ORDER

The prayer of the petitioner firm 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 more in the nature of Mandamus declaring the action of the Respondents 1 and 2 in not releasing the pending Document Nos.3 to 12, 61, 206, 265 and 801 of 2008 basing upon the letter addressed by the 4th respondent as illegal, arbitrary and violative of Art. 14 and 300A of the Constitution of India and consequentially to direct respondents to forthwith release the pending documents executed in favour of the petitioner and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.'

Though the matter was filed as long back as on 05.03.2018, no counter-affidavit has been filed.

In any event, it is not open to the registration authorities to keep documents pending for registration indefinitely. It appears that the Sub-Registrar, Golkonda, Hyderabad, the second respondent herein, addressed a letter to the District Collector, Hyderabad, as long back as in the year 2017, seeking certain clarifications and owing to delay on the part of the Collector in responding thereto, the documents in question are still kept pending registration. Be it noted that these documents were given pending registration numbers as long back as in the year 2008.

Sri D.Prakash Reddy, learned senior counsel appearing for Sri M.Sudheer Kumar, learned counsel for the petitioner firm, would inform this Court that the litigation relating to G.O.Ms.No.328, Revenue (U.C.IV) Department, dated 12.03.2008, to which the petitioner firms traces its

rights, has attained finality as the writ petitions filed challenging the said G.O. came to be dismissed by common order dated 04.07.2017 passed in W.P.No.22561 of 2008 and batch. Learned senior counsel would further state that the petitioner firm itself could furnish the necessary clarifications to the registration authorities, if given an opportunity.

The writ petition is accordingly disposed of permitting the petitioner firm to make a representation along with supporting documentation to the Sub-Registrar, Golkonda, Hyderabad. Upon receiving such representation along with material, the Sub-Registrar, Golkonda, Hyderabad, shall re-examine the matter and if he finds that there is no impediment to completion of the registration formalities in relation to the documents kept pending registration since the year 2008, he shall conclude the exercise and release the documents. In the event he finds any reason to refuse registration, he shall exercise power under Section 76 of the Registration Act, 1908 and pass a reasoned refusal order and communicate the same to the petitioner firm. The entire exercise, one way or the other, shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of the representation and supporting material from the petitioner firm.

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

SANJAY KUMAR, J

21st FEBRUARY, 2019

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