

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.8894 of 2019

ORDER:

This writ petition is filed seeking the following relief:

“.....to issue an appropriate writ, order or direction particularly one in the nature of writ of Mandamus declaring the action of the 3rd respondent in refusing to register the Agreement of Sale cum General Power of Attorney with Possession Deed dated 17.04.2019 of Plot No.51 in B.K.Enclave, admeasuring 400 Sq. yards in Sy.No.44/4 (Old No.44), Maqta Mahaboobpet Village, Serilingampally Mandal, Ranga Reddy District, basing on notification dated 26.09.2013 of the 4th respondent which is already set aside by this Hon'ble Court and not receiving the document as being illegal, arbitrary, violative of provisions of the Registration Act, 1908, discriminatory and unconstitutional and consequently direct the 3rd respondent to receive and register the documents of the petitioner relating to the subject plot without reference to the proceedings of the District Collector, dated 26.09.2013.”

Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for Revenue appearing for respondents and perused the record.

It is the case of the petitioner that she purchased plot No.51 in B.K. Enclave, admeasuring 400 square yards in Sy.No.44/4 (Old NO.44), Maqta Mahaboobpet Village, Serilingampally Mandal, Ranga Reddy District, under an agreement of sale by paying consideration. The said document was presented before the third respondent for registration. Based on the notification dated 26.09.2013 issued by the fourth respondent, the third respondent refused to receive and register the said document.

Learned counsel for the petitioner submits that in similar circumstances, this Court disposed of W.P.No.19069 of 2014 *vide* order dated 25.08.2014.

Learned Government Pleader for Revenue appearing for the respondents does not dispute the same.

Accordingly, the Writ Petition is disposed of directing the third respondent to receive and process the document presented by the petitioner without reference to the Notification, dated 26.09.2013 issued by the District Collector, Rangareddy District. In the event the said document is found to be fit for registration, the third respondent shall complete the due formalities in accordance with law and release the document. However, if he finds any ground to exercise power under Section 76 of the Registration Act, 1908 and refuse registration, he shall pass a reasoned order and communicate the same to the petitioner. This exercise shall be completed expeditiously and in any event, not later than one month from the date of receipt of a copy of this order. It is also made clear that mere registration of proposed document would not confer title upon the property covered thereby and it would not preclude the Government from taking appropriate steps, as warranted by law.

Miscellaneous petitions pending, if any, shall stand closed.

No costs.

DR. SHAMEEM AKTHER, J

Date: 25.04.2019

ssp