

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NOS.8938 AND 9000 OF 2019

COMMON ORDER

The grievance of the petitioners in these two cases is on similar lines. They are aggrieved by the action of the District Registrar, Ranga Reddy District, in not receiving and processing the documents presented by them for registration. The petitioners in W.P.No.8938 of 2019 presented a sale deed relating to an extent of land situated in Survey Nos.218/11, 218/12 and 218/13 of Kondapur Village, Serilingampally Mandal, Ranga Reddy District, while the petitioners in W.P.No.9000 of 2019 presented a gift settlement deed in relation to another extent of land in the very same survey numbers of Kondapur Village.

It is however relevant to note that Section 28 of the Registration Act, 1908 (*for brevity*, 'the Act of 1908'), provides that every document, in so far as it affects immovable property, shall be presented for registration in the office of the Sub-Registrar within whose Sub-District the whole or some portion of the property to which such document relates is situated. It is no doubt true that Section 30 of the Act of 1908 vests the District Registrar with the discretion to receive and register any document which might be registered by any Sub-Registrar subordinate to him, but there can be no compulsion that the District Registrar should exercise his discretion one way or the other.

There is no explanation forthcoming from the petitioners as to why they chose to approach the District Registrar directly instead of abiding by the procedure prescribed in Section 28 of the Act of 1908.

In that view of the matter, as exercise of discretion by the District Registrar cannot be coerced at the instance of a party, the writ petitions are disposed of permitting the petitioners to present their documents for registration before the Sub-Registrar concerned. The time consumed in pursuing this litigation shall be excluded by the said Sub-Registrar while calculating the time stipulated for presentation of the documents for registration, as per Section 23 of the Act of 1908. In the event the documents are otherwise found to be in order and in compliance with the requirements of the Act of 1908 and the Indian Stamp Act, 1899, the Sub-Registrar concerned shall complete the registration formalities and release the documents.

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

4th JUNE, 2019

PGS

SANJAY KUMAR, J