

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P.No.13661 OF 2019

Date: 5.7.2019

Between :

Deepak Raj Badgoian

Petitioner

And

State of Telangana, rep. by its
Principal Secretary, Revenue (Stamps and
Registration) Department, Secretariat,
Hyderabad and others.

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P.No.13661 OF 2019

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“To issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not registering the simple mortgage deed/sale deed/release deed/conveyance deed submitted by the petitioner for registration with regard to the House Bearing Municipal No. 2-294/H, Plot No.294, admeasuring 267 sq.yards in Sy.No.52/1 and 52/2 situated at HMT Nagar, Maktha Mahaboobpet village, Serilingampally Mandal, R R District as highly illegal, arbitrary and consequently direct the 3rd respondent to receive, register and release the simple mortgage deed/sale deed/release deed/conveyance deed submitted by the petitioner for registration with regard to the House Bearing Municipal No.2-294/H, Plot No.294, admeasuring 267 sq.yards in Sy.No.52/1 and 52/2 situated at HMT Nagar, Maktha Mahaboobpet village, Serilingampally Mandal, R R District without reference to the proceedings of the District Collector dated 26.9.2013”.

2. Today, when the matter is called, it is represented by the learned counsel for petitioner and as well as the learned Government Pleader appearing for Respondents that the issue in the present writ petition is squarely covered by the order passed by this Court in W.P.No.19069 of 2014 dated 25.8.2014 and a copy of the same is placed on record by the learned Standing Counsel.

3. Following the above referred order and for the reasons recorded therein, this writ petition is also disposed of directing the Sub-Registrar to receive and process the deeds of conveyance without reference to the District Gazette Notification dated 26.9.2013 in

accordance with the Indian Registration Act, 1908 and the Indian Stamp Act, 1899. However, it is open to the registering authority to refuse to register the deeds presented before him, if he has any other objection, by duly assigning reasons in support of such decision and communicate the decision to the petitioner. It is made clear that mere registration of deed of conveyance does not confer title to the property and it is made clear that this order does not preclude the Government to take appropriate steps as warranted by law and to assert its title. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

P. NAVEEN RAO, J

Date: 5.7.2019

Note:

Office to enclose copy of order passed in W.P.No.19069 of 2014 dated 25.8.2014 while dispatching this order.

(b/o)
DA

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DA