

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No. 19545 of 2019

Date: 21.10.2019

Between :

M/s V.R.C.R. Real Infra Developers Pvt. Ltd.,
represented by its Director V.Ramachandra Rao

Petitioner

And

State of Telangana, rep. by its
Principal Secretary to Government
Revenue Department,
Secretariat Building, Hyderabad & others.

Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for the respondents.

2. Sale deeds presented before the Sub-Registrar, Gandipet, Ranga Reddy District, in respect of lands admeasuring Ac.1.28 guntas, Ac.1-10 guntas and Ac.1-422 guntas in Survey Nos.293, 295 and 294 respectively situated at Puppalaguda Village, Gandipet Mandal, Ranga Reddy District, were refused for registration vide Refusal Order Nos.1/2018, Lr.No.140/2018, 2/2018, Lr.No.141/2018 and 3/2018 Lr.No.142/2018. Aggrieved thereby, petitioner preferred appeal under Section 72 of the Registration Act, 1908. The 2nd respondent-District Registrar, Ranga Reddy District, affirmed the decision of the Sub-Registrar and dismissed the appeals by separate orders dated 04.07.2018, impugned in this Writ Petition. The said order of the District Registrar is challenged primarily on the ground that without conducting hearing by the District Registrar, straight away order has been passed.

3. Learned counsel for the petitioner points out that on 13.06.2018, notice was issued in response to the appeal preferred by the petitioner directing to submit original documents along with the relevant material within 15 days for taking necessary action. The said notice was received by the petitioner on 25.06.2018. In terms thereof, petitioners had 15 days time to submit the documents, as requested. But, even before the time granted has expired, order was passed on 04.07.2018. Thus, even according to the notice issued on 13.06.2018, the order is not sustainable.

4. According to learned counsel for the petitioner, Rule 170 of the Telangana State Rules framed under the Registration Act, 1908 requires conducting of hearing and passing of orders on due consideration of the submissions made, whereas in the present case, no hearing was conducted.

5. Rule 170 (v) of the Telangana State Rules framed under the Registration Act, 1908 reads as under:

“...

(v) If on the date of hearing:-

- (a) neither party appears, or
- (b) the applicant does not appear and the Respondent appears and contests the registration of the document, or
- (c) the Respondent does not appear and it is found that notice has not been served upon him in consequence of the failure of the applicant to pay the requisite fee for such service.

The Registrar shall make an order refusing to direct registration of the document;

Provided that it shall be open to the Registrar to adjourn the enquiry from time to time for sufficient cause.”

6. Learned Government Pleader for Revenue fairly submits that reasonable opportunity was not accorded to the petitioner and agrees for remitting the matter to the District Registrar for consideration of the appeal afresh.

7. Having regard to the said submission, the order of the District Registrar, dated 04.07.2018 is set aside and the matter is remitted to the District Registrar, Ranga Reddy District, for consideration of the appeal afresh under Section 72 of the Registration Act, 1908, expeditiously. The District Registrar shall fix a date for hearing in

advance and afford opportunity of hearing to the petitioner and after due consideration of the submissions made, pass orders by assigning due reasons in support of his decision. As the issue is pending for long time, this exercise shall be completed within a period of six weeks from today and the petitioner is also at liberty to file the documents as requested by the District Registrar on the date of hearing.

8. The Writ Petition is accordingly allowed. Pending miscellaneous petitions, if any, shall stand closed.

Date: 21.10.2019
DA

P.NAVEEN RAO,J



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