

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18943 OF 2019

ORDER:

The grievance of the petitioners is that the 3rd respondent - Sub-Registrar, Medchal-Malkajgiri District at Malkajgiri is not registering the Development Agreement – cum - General Power of Attorney presented by them in relation to plots No. 93, 94 and 95, admeasuring 866.65 square yards in Survey Nos.5, 6, 7, 10, 10/1, 11/1, 12/1, 12/42 and 13/2 of Ammuguda Village, Kapra Mandal, Medchal-Malkajgiri District.

Heard learned counsel for the petitioners.

Learned Government Pleader for Revenue informs this Court that the documents presented by the petitioners were kept pending registration with Nos.P-31, P-32, P-33 and P-34 of 2019. According to the Sub-Registrar, Malkajgiri, who addressed letter dated 08.03.2019 to the Office of the Government Pleader, he kept the afore-stated documents pending registration being of the opinion that registration of the documents may amount to committing contempt in relation to the order dated 09.03.2018 passed in C.R.P.No.4816 of 2014.

It is not clear from the afore-stated communication as to whether the Sub-Registrar is of the opinion that the subject lands are ceiling surplus lands under the provisions of the Urban Land Ceiling and Regulation Act, 1976.

Perusal of the order dated 09.03.2018 passed in C.R.P.No.4816 of 2014 demonstrates that the petitioners are not parties to the said litigation and the direction therein was limited to the parties in that case only. The said order would therefore,

have no impact upon the Sub-Registrar dealing with the subject documents presented by the petitioners.

So far as the status of the land covered by these documents is concerned, it is for the Sub-Registrar to examine the issue and take a decision. In any event, it is not open to the Sub-Registrar to sleep over the matter indefinitely. If he finds the documents to be in order and in compliance with the requirements of the Registration Act, 1908 (for brevity, 'the Act of 1908') and the Indian Stamp Act, 1899, he would necessarily have to complete the registration formalities and release the documents. If, on the other hand, he finds any grounds to deny registration, he would have to exercise his power under Section 71 of the Act of 1908 and pass a reasoned order of refusal under Section 76 of the Act of 1908. The exercise, one way or the other, shall be completed by the 3rd respondent - Sub-Registrar, Medchal-Malkajgiri District expeditiously and in any event, not later than two weeks from the date of receipt of a copy of this order, be it from whatever source.

The writ petition is disposed of accordingly. No costs.

The miscellaneous Applications, if any stand closed.

CHALLA KODANDA RAM, J

30th August 2019

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