

THE HON'BLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION Nos.22689 & 22712 OF 2019

Date:18.10.2019

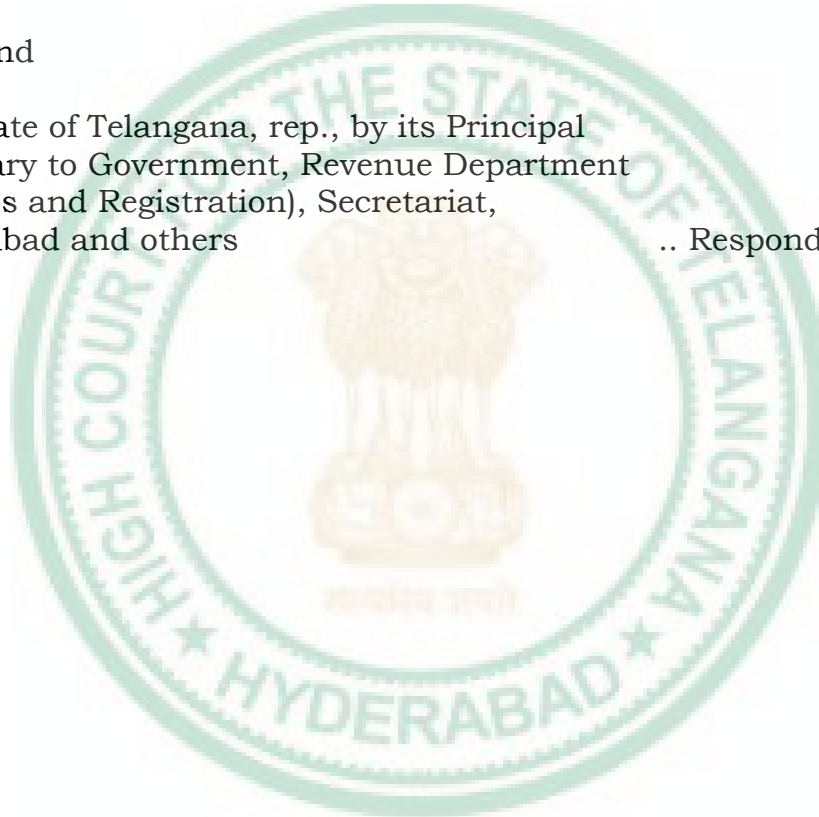
W.P.No.22689 OF 2019

Between:

M/s. Kohli Construction Company,
A proprietorship., rep., by its Proprietor
Mr. T.S. Kohli, S/o. Late Sri A.S. Kohli,
Aged about 68 years, Occ: Business,
R/o.2-12-48/1, Ground Floor, Rock Land
Staff Road, Secunderabad .. Petitioner

And

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



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO
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COMMON ORDER:

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

2. Sale deeds presented before the Sub-Registrar, Gandipet, Ranga Reddy District, in respect of land admeasuring Acs.3.20 guntas and As.4.00 in Survey Nos.295 and 294, respectively, of Puppalaguda Village, Gandipet Mandal, Ranga Reddy District, were refused for registration vide Refusal No.5 of 2018 and 4 of 2018, respectively, dated 01.05.2018. Aggrieved thereby, petitioners preferred appeal under Section 72 of the Registration Act, 1908. The 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 these Writ Petitions. The said orders of the District Registrar are challenged primarily on the ground that without conducting hearing by the District Registrar, straight away orders were passed.

3. Learned counsel for the petitioners point out that on 13.06.2018, notice was issued in response to the appeals preferred by the petitioners directing them to submit the original documents along with the relevant material within 15 days for taking necessary action. The said notice was received by the petitioners on 26.06.2018. In terms thereof, petitioners had 15 days time to submit the documents, as requested. But, even before the time granted has expired, orders were passed on 04.07.2018. Thus,

even according to the notice issued on 13.06.2018, the orders are not sustainable.

4. According to learned counsel for the petitioners, 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 cases, 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. Having regard to the provision in Rule 170 of the Rules; the notice dated 13.06.2018 and the orders dated 04.07.2018, learned Government Pleader for Revenue fairly submits that reasonable opportunity was not accorded to the petitioners and agrees for remitting the matters to the District Registrar for consideration of the appeals afresh.

7. Having regard to these submissions, the orders of the District Registrar, dated 04.07.2018 are set aside and the matters are remitted to the District Registrar, Ranga Reddy District, for consideration of the appeals afresh under Section 72 of the Registration Act, 1908, expeditiously. The District Registrar shall fix a date of hearing in advance and afford opportunity of hearing to the petitioners 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 six weeks from today and the petitioners are also at liberty to file the documents as requested by the District Registrar on the date of hearing.

8. The Writ Petitions are accordingly allowed. Pending miscellaneous petitions shall stand closed. No order as to costs.

P.NAVEEN RAO, J

Date:18.10.2019

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