

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 25250 of 2019

Date : 2.12.2019

Between:

Shiva Prasad Reddy S/o Harinath Reddy
Aged about 37 years Occ Business
R/o Flat No P1 Plot No 517 NJR Park View Pragathi Nizampet
Medchal Malkajgiri District

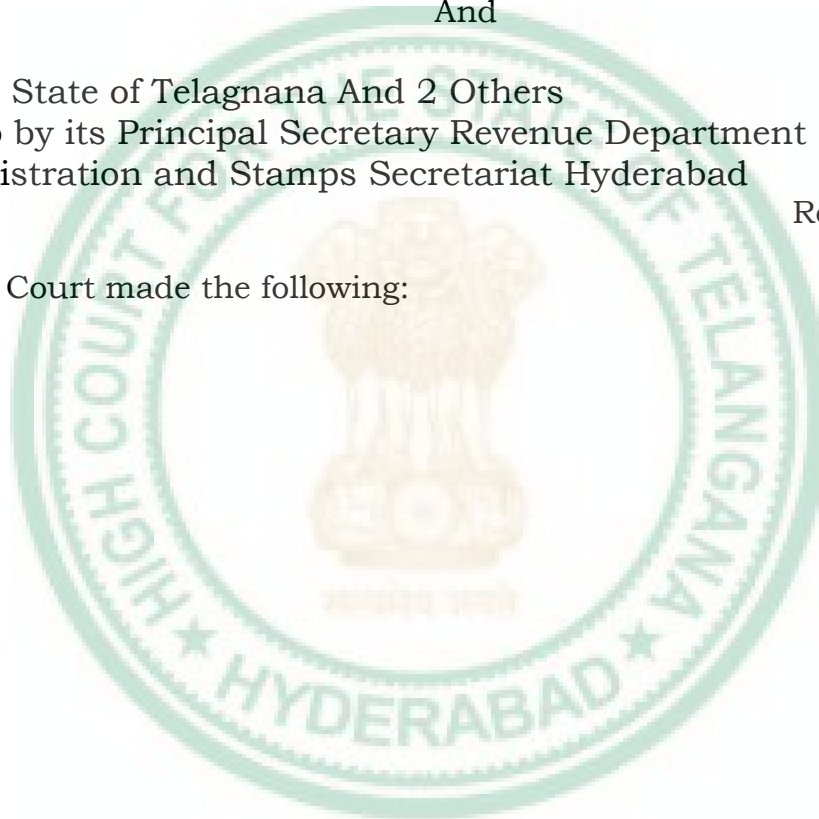
Petitioner

And

The State of Telangana And 2 Others
Rep by its Principal Secretary Revenue Department
Registration and Stamps Secretariat Hyderabad

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Revenue and with their consent writ petition is taken up for disposal at the admission stage.

2. According to petitioner, on 22.8.1996, unregistered sale deed was executed by vendors-T Anji Reddy, Krishna Reddy, B.Indira Devi and T Sreelatha Reddy through their respective General Power of Attorney holders Sri P Lakshma Reddy and T Gopal Reddy. Initially, required stamp duty was not paid but later payment of stamp duty was made. The vendee therein and few of the vendors joined together to sell the very same property in favour of petitioner herein and sale deed was drawn and presented before the Registering Authority. The document is refused for registration on the ground that the link document is not registered as required under Section 17 of the Act, 1908 and on appeal the District Registrar confirmed the decision of the lower authority.

3. Section 17 of the Act, 1908 mandates that sale transaction can be validly made only after it is registered and requisite stamp duty is paid as required by Stamp Act. No document is valid and can be relied upon unless it is registered where the transaction value is more than Rs.100/-. Admittedly, the document dated 22.8.1996 was not registered in terms of Section 17 of the Act, 1908. Further more, it is also seen that the document presented on 9.5.2019 contains names of the power of attorney holders as vendors but they cannot be vendors to themselves and can only represent the vendors.

4. In the facts noted above, I do not see any illegality in the decision of the registering authority warranting interference. Accordingly, writ petition is dismissed, leaving it open to the petitioner to work out remedies as available in law. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 2-12-2019
TVK



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