

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.27536 OF 2019

Date:12.12.2019

Between:

Chaitanya Educational and Social
Welfare Society, H.No.1-4-315, A.P.H.B.
Colony, Bhongir, Yadadri Bhongir District,
Rep., by its Vice President, Ch. Balaswamy .. Petitioner

And

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



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.27536 OF 2019****ORDER:**

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for respondents 1 to 4.

2. This writ petition is filed by the petitioner – society aggrieved by the document presented before respondent No.4 by respondents 5 and 6 claiming themselves as President and General Secretary of the society and executing the Special Power of Attorney in favour of Sri K.Sateesh Reddy in respect of sale of property admeasuring Acs.4.30 guntas in Survey No.760 of Bhongir Village and Mandal, Yadadri Bhongir District.

3. The petitioner – society contends that respondents 5 and 6 are no way concerned with the society and therefore they cannot represent the society as President and Secretary. Respondent No.5 committed several illegalities in running the affairs of the society which lead to filing of a complaint against him and he was arrested and detained in custody for a period of one month. The petitioner - society also referred to earlier round of litigation in W.P.No.52520 of 2019 and the same is pending before this Court.

4. If the petitioner – society is aggrieved by false representation and validity of Special Power of Attorney by respondents 5 and 6 claiming themselves as representing the society, they have to assail the same in appropriate forum. The writ Court cannot go into the validity of the alleged transaction, competence of those two persons vis-à-vis the society and decide

the issue. The disputed questions of fact have to be gone into by the competent civil Court. However, the fact remains that respondent No.4 is requested to process the deed of conveyance presented before him by following the procedure envisaged by the Registration Act and the Rules made thereunder. The registering authority cannot go into the validity of claim in the document presented before him but only requires *prima facie* satisfaction of the document complying the requirements in accordance with the provisions of the Registration Act and the Rules made thereunder and also the Stamp Act. Therefore, the Court is not inclined to entertain the Writ Petition.

5. The Writ Petition is accordingly dismissed leaving it open to the petitioner – society to work out its remedies against the alleged illegal actions of respondents 5 and 6. Pending Miscellaneous Petitions, if any, shall stand closed.

Date:12.12.2019

KH

P. NAVEEN RAO, J