

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.31838 of 2018

ORDER:

The prayer of the petitioners in this case reads as under:

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, or order, or direction in the nature of a Writ, declaring the action of the 5<sup>th</sup> respondent, in refusing to receive and register a sale deed dated 21-08-2018 executed by petitioners 1 to 3 alienating Ac.3-00 gts., of land situated in Survey No.5 of Kothwalaguda village, Shamshabad Mandal, Ranga Reddy District, in favour of 4<sup>th</sup> petitioner basing on the list signed and sent by 3<sup>rd</sup> respondent under section 22-A of Registration Act, 1908, through Lr.No.B/130/2012 dated 09-03-2012 directly to the 5<sup>th</sup> respondent as arbitrary, without jurisdiction, illegal and void and consequently to direct the 5<sup>th</sup> respondent to receive and register a sale deed executed by petitioners 1 to 3 alienating Ac.3-00 gts., of land situated in Survey No.5 of Kothwalaguda village, Shamshabad Mandal, Ranga Reddy District, in favour of 4<sup>th</sup> petitioner and to pass such other appropriate order or orders as may be deemed fit and proper in the circumstances of the case and in the interests of justice.'

Sri Mohd. Nayamthullah, learned counsel representing Sri G.Pedda Babu, learned counsel for the petitioners, would state that the Sub-Registrar, Shamshabad, Ranga Reddy District, informed the petitioners that the documents presented by them could not be entertained for registration in the light of the communication dated 09.03.2012 received from the Tahsildar, Shamshabad Mandal. According to the learned counsel, as per this communication, the land in Survey No.5 of Kothwalguda Village, is stated to be Bhoodhan Land.

It may be noted that the Bhoodhan Yagna Board has not been made a party to this writ petition. In the absence of the Board, this Court cannot undertake adjudication as to the status of the land in Survey No.5 of Kothwalguda Village. In any event, it is not open to the Sub-Registrar, Shamshabad, to refuse to receive a document when it is presented for registration. In case he finds such a document to be in order and in compliance with the Registration Act, 1908, and the Indian Stamp Act, 1899, the Sub-Registrar would normally complete the process of registration and release the document. However, if he finds any grounds to refuse registration, he is empowered to do so by passing a reasoned order of refusal under Section 76 of the Registration Act, 1908, under communication to the parties. Without adhering to this procedure, the Sub-Registrar, Shamshabad, cannot shut out a party presenting a document for registration at the threshold.

The writ petition is accordingly disposed of directing the Sub-Registrar, Shamshabad, to follow the due procedure prescribed under the Registration Act, 1908, as set out *supra*, in the event the petitioners present any document for registration in relation to the land in Survey No.5 of Kothwalguda Village, Shamshabad Mandal, Ranga Reddy District.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

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JUSTICE SANJAY KUMAR

Date:28.02.2019

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