

**HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)**

**TUESDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY**

PRESENT

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION NO: 4652 OF 2020

Between:

Sri Jajala Narsimha, S/o. Pedda Balaiah, Aged about 60 years, Occ- Agriculture,
H.No.1-71, Nellikonda, Naganool, Nagarkurnool District, Telangana State

...PETITIONER

AND

1. The State of Telangana. Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad, Telangana State.
2. The District Registrar, Nagarkurnool District, Telangana State.
3. The Sub-Registrar, Nagarkurnool, Nagarkurnool District, Telangana State.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction-more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd Respondent in not receiving documents submitted by the petitioner for the registration of land in Sy.No.43 to an extent of Ac.2-00 Guntas situated at Deshitkyal Village, Nagarkurnool Mandal and District, Telangana State without following of the procedure under the act is illegal, arbitrary and unconstitutional, contrary to law and against to principles of natural justice and consequently direct the 3rd Respondent to receive the document submitted by the petitioner for registration of the land in Sy.No. 43 to an extent of Ac.2-00 Guntas situated at Deshitkyal Village, Nagarkurnool Mandal and District, Telangana State and process the same in accordance with law.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 3rd Respondent to receive the document submitted by the petitioner for registration of the land in Sy.No. 43 to an extent of Ac.2-00 Guntas situated at Deshitkyal Village, Nagarkurnool Mandal & District, Telangana State and process the same in accordance with law, pending disposal of the writ petition.

Counsel for the Petitioner: SRI R.A. CHARY

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

WRIT PETITION No.4652 of 2020

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to declare the action of the 3rd respondent in not receiving the documents submitted by him for registration of land in Sy.No.43 to an extent of Ac.2-00 guntas, situated at Deshitkylal Village, Nagarkurnool Mandal and District, without following the procedure under the Act, as arbitrary and illegal.

2. Petitioner is the absolute owner and possessor of the subject land. It is submitted that the subject property is not included in the list of prohibited properties under Section 22-A of the Registration Act, 1908 or prohibited by any Government order. But, the respondent authorities are not receiving the documents presented by the petitioner for registration.

3. On the other hand, learned Assistant Government Pleader for Revenue submits that the petitioner's land is not entered into in 'Dharani website' and respondent authorities would follow the procedure for entering the same.

4. It is to be seen, it is for the revenue authorities to up-date the records of the petitioner and they cannot blame the petitioner for the same. Therefore, the revenue authorities shall take steps to update the records of the petitioner as per the procedure within a period of one week from the date of receipt of a copy of this order.

5. It is relevant here to extract the Section 71 of the Indian Registration Act (for short "the Act"), which reads as under:

Reasons for refusal to register to be recorded.—

(1) Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the words "registration refused" on the document; and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

(2) No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

6. As per Section 71 of the Act, the 3rd respondent is bound to receive the documents and register, if the same are in order as per the Indian Stamp Act, 1899 and the Registration Act and Rules made thereunder. Otherwise he shall record the reasons for refusal of the registration.

7. In view of the above, the 3rd respondent is directed to receive and register the documents presented by the petitioner, if the same are in order as per the provisions of Indian Stamps and Registration Act and the Rules made thereunder, and if the subject land is not included in the list of prohibited properties for registration as per Section 22-A of the Registration Act, 1908 or not prohibited for registration by any order/injunction passed by the Court or

competent authority. If he wants to refuse registration, he shall record reasons and communicate the same to the parties.

8. With the above direction, the writ petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

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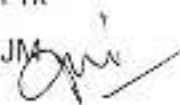
SD/-K.SAILESHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad, Telangana State.
2. The District Registrar, Nagarkurnool District, Telangana State.
3. The Sub-Registrar, Nagarkurnool, Nagarkurnool District, Telangana State.
4. One CC to Sri. R.A. Chary, Advocate [OPUC]
5. Two CCs to GP for Revenue, High Court for the State of Telangana. [OUT]
6. Two CD Copies

Prk

JM 

HIGH COURT

DATED:03/03/2020



ORDER

WP. No. 4652 of 2020

Disposing of the WP.
without costs.

SSV
scq 21/25
Dt 6/5/2020