

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

FRIDAY, THE TWENTY NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY ONE

**PRESENT
THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD**

WRIT PETITION NO: 1757 OF 2021

Between:

Pasumarthy Ramu, S/o.Lakshmi Narayana, Aged about 48 years, Occ. Business,
R/o.H.No.19-1-90, Sastry Road, Palvancha, Khammam District.

...PETITIONER

AND

1. State of Telangana, Rep. by its Principal Secretary, Revenue (Stamps and Registration) Department, Secretariat, Hyderabad.
2. The District Registrar, Stamps and Registration Department, Ranga Reddy District.
3. The Sub Registrar, Stamps and Registration Department SRO, Shamshabad, Ranga Reddy District.

...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 respondents more particularly the 3rd respondent in refusing to register the documents presented by the petitioner in respect of land bearing plot no.344 admeasuring 366 sq. yards, under sy.nos.19/20, 19/22, 19/23, 19/25, 19/26 and 19/48, situated at Lakshmi Meridian City, Ammapally Village, Shamshabad Mandal, Ranga Reddy District, on the ground of issuance of the Notification dated.26/09/2013 issued by the District Collector, Ranga Reddy District, as illegal, arbitrary, unjust, unconstitutional, violation of principles of natural justice and also contrary to the provisions of Registration Act, 1908, and consequently direct the respondents 2 and 3 to register and release the documents presented by the petitioner in respect of subject land without reference to the Notification dated.26/09/2013 issued by the District Collector, Ranga Reddy District.

IA NO: 1 OF 2021

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 respondents 2 and 3 to receive, register and release the documents presented by the petitioners in respect of land bearing plot no.344 admeasuring 366 sq. yards, under sy.nos.19/20, 19/22, 19/23, 19/25, 19/26 & 19/48, situated at Lakshmi Meridian City, Ammapally Village, Shamshabad Mandal, Ranga Reddy District, without reference to the Notification dated.26/09/2013 issued by the District Collector, Ranga Reddy District, pending disposal of the writ petition.

Counsel for the Petitioner : SRI MOHD MOIN AHMED QUADRI

Counsel for the Respondents : GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

Writ Petition No.1757 of 2021

ORDER:

This Writ Petition is filed by the petitioner with the prayer which reads as follows:-

"to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents more particularly the 3rd respondent in refusing to register the documents presented by the petitioner in respect of land bearing plot No.344 admeasuring 366 sq. yards under Sy. Nos.19/20, 19/22, 19/23, 19/25, 19/26 and 19/48 situated at Lakshmi Meridian City, Ammapally Village, Shamshabad Mandal Ranga Reddy District, on the ground of issuance of the Notification dated 26/09/2013 issued by the District Collector Ranga Reddy District, as illegal arbitrary unjust unconstitutional violation of principles of natural justice and also contrary to the provisions of Registration Act, 1908 and consequently direct the respondents 2 and 3 to register and release the documents presented by the petitioner in respect of subject land without reference to the Notification dated 26/09/2013 issued by the District Collector, Ranga Reddy District"

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue for the respondents. With their consent, the Writ Petition is disposed of at the stage of admission.

3. The main grievance of the petitioner is that the official respondent No.3 is refusing to register the documents presented by the petitioner in respect of the land bearing plot No.344 admeasuring 366 sq. yards under Sy.Nos.19/20, 19/22, 19/23, 19/25, 19/26 and 19/48 situated at Lakshmi Meridian City,

Ammapally Village, Shamshabad Mandal Ranga Reddy District, on the ground of issuance of the Notification dated 26/09/2013 issued by the District Collector Ranga Reddy District.

4. The learned counsel for the petitioner has submitted that on an earlier occasion, this Court in W.P.No.17050 of 2019, dated 09.08.2019, W.P.No.2301 of 2020, dated 05.02.2020, W.P.No.5912 of 2020, dated 20.04.2020, has passed orders directing registration of the documents presented/pending before the authorities and the subject land of the present writ petition also pertains to the same village.

5. The above position is not disputed by the learned Government Pleader and he fairly conceded for passing similar order in this writ petition and stated that the official respondents will follow the procedure contemplated under Section 71 of the Registration Act, 1908,

6. Section 71 of the Registration Act, 1908 reads as follows:

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 situated within his sub-district shall make an order of refusal and recorded 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 of a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

7. In view of the above submissions made by both the parties coupled with the provision of Section 71 of the Registration Act, 1908, the Writ Petition is disposed of directing the Registering Authority to receive and process the subject documents, subject to the petitioner complying with the provisions of the Indian Registration Act, 1908, and the Indian Stamps Act, 1899. It will be open to the Registering Authority to refuse/receive the document presented before him, if he has any other objection, by duly assigning reasons in support of such decision and communicate the said decision to the petitioner. It is made clear that mere registration of document does not confer title to the property. It is also made clear that this order does not preclude the Government/District Collector to take appropriate steps as warranted by law and to assert its title. If any proceedings/ suit/appeal are pending between the executants of the document/government or any other interested party, the registration of the document will be subject to the result of that proceedings/suit/appeal.

Miscellaneous Petitions pending in this Writ Petition shall stand closed in the light of this final order. No order as to costs.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Revenue (Stamps and Registration) Department, State of Telangana Secretariat, Hyderabad.
2. The District Registrar, Stamps and Registration Department, Ranga Reddy District.
3. The Sub Registrar, Stamps and Registration Department SRO, Shamshabad, Ranga Reddy District.
4. One CC to Sri Mohd Moin Ahmed Quadri, Advocate [OPUC]
5. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad [OUT]
6. Two CD Copies

Kj.

HIGH COURT

DATED:29/01/2021



ORDER

WP.No.1757 of 2021

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

33V
8 Copies
Dt 15/02/2021