

[2586]

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
THURSDAY, THE FIRST DAY OF APRIL TWO THOUSAND AND TWENTY ONE
:PRESENT:
THE HONOURABLE SRI JUSTICE P NAVEEN RAO

IA No. 1 OF 2021
IN
WP NO: 7987 OF 2021

Between:

Vangari Pradeep Kumar, S/o V. Laxminarayana,

...Petitioner
(Petitioner in WP 7987 OF 2021
on the file of High Court)

AND

1. The State of Telangana, Rep. by its principal Secretary, Revenue (Stamps and Registration), Secretariat, Hyderabad.
2. The Sub-Registrar, Medchal-Malkajgiri Dist.
3. The Telangana Waqf Board, Rep by its Chief Executive Officer, Haj House, Nampally, Hyderabad.

...Respondents
(Respondents in-do-)

Counsel for the Petitioner :SRI S NAGESH REDDY
Counsel for the Respondents 1 & 2 :GP FOR REVENUE
Counsel for the Respondent 3 :SRI ABU AKRAM (S.C.)

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 2nd Respondent to receive, process, register and release the document in respect of the Flat No. 401/B, Municipal No. 42-767/1/B-401, (Old Number 42-767/1/1/T-401) consisting 825 Sft., of super built-up area of Third Floor (Fourth Floor as per BRS Plan) of Block-'B' of the residential Complex named "SASHANKA RESIDENCY", at premises hearing No. 42-28/63, on Plot No. 63, with an undivided share of 25 Sq. Yds., or 20.90 Sq. Mtrs., out of its land area of 600 Sq. Yds., or 501.60 Sq. Mtrs., forming part of Ac. 3-38 guntas in Sy. Nos. 359/1 and 359/3, situated at Sardar Patel Nagar, Moula Ali, within the limits of the Greater Hyderabad Municipal Corporation (GHMC), Malkajgiri Circle, Medchal-Malkajgiri District without insisting on a NOC to be provided from the 3rd Respondent, pending disposal of WP No. 7987 of 2021, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

The grievance of the petitioner is that the second respondent – Sub Registrar refused to register and release the document presented by the petitioner in respect of the subject property situated at Sardar Patel Nagar, Moula Ali within the limits of GHMC, Malkajgiri Circle, Medchal- Malkajgiri District.

Heard learned counsel for the petitioner and the learned Government Pleader for Revenue.

As per the provisions of the Registration Act, 1908 (for short, 'the Act'), the Registering Authority has to follow the procedure contemplated under Section 71 of the Act, which reads as follows:

Reasons for refusal to register to be recorded-

- (i) 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.
- (ii) 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.

In view of the above provision of law, the Registering Authority is directed to receive and process the subject document, subject to the petitioner complying with the provisions of the Indian Registration Act, 1908, and 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. However, any such registration shall be treated as a provisional one and subject to the result of the writ petition. It is made clear that mere registration of the document does not confer any title to the property and the petitioner shall not seek any equities if any adverse orders are passed against him.

SD/- K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Stamps and Registration), State of Telangana, Secretariat, Hyderabad.
2. The Sub-Registrar, Medchal-Malkajgiri Dist.
3. The Chief Executive Officer, Telangana Waqf Board, Haj House, Nampally, Hyderabad. (1 TO 3 BY RPAD)
4. One CC to SRI. S NAGESH REDDY Advocate [OPUC]
5. Two CCs to GP FOR REVENUE, High Court at Hyderabad. [OUT]
6. One spare copy

HIGH COURT

PNRJ

DATED:01/04/2021



ORDER

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DIRECTION