

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

MONDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 15504 OF 2021

Between:

Suresh Agarwal & Sons, rep. by Suresh Agarwal, S/o.Om Prakash Agarwal aged about 60 years, Occ.Charted Accountant, R/o.H.No.10-1-611/5, West Marredpally, Secunderabad.

...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.172 admeasuring 200 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.172 admeasuring 200 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 QUADR

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15504 of 2021

ORDER:

Heard Sri Mohd.Moin Ahmed Quadri, learned counsel for the petitioner and learned Assistant Government Pleader for Revenue. With their consent, the Writ Petition is disposed of at the stage of admission.

2. The main grievance of the petitioner is that the Sub-Registrar- respondent No.3 is refusing to receive, register and release the documents submitted by the petitioner for registration in respect of land bearing Plot No.172, admeasuring 200 square yards in Survey 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 based on notification dated 26.09.2013.

3. Learned counsel for the petitioner submitted that on earlier occasions, this Court in W.P.No.17050 of 2019, dated 09.08.2019, and W.P.No.2301 of 2020, dt.05.02.2020 has passed orders directing the registration of the documents presented/pending before the authorities.

4. The above position is not disputed by the learned Assistant 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 (for short 'the Act').

5. Section 71 of the Act reads as follows :

*S.71. 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 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. In view of the above submissions made by both the parties coupled with the provision of Section 71 of the Act, the Writ Petition is disposed of, directing the Registering Authority to receive and process the subject document, without reference to the District Gazette Notification dated 26.09.2013, subject to the petitioner complying with the provisions of the Indian Registration Act, 1908, and Indian Stamp 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 executant 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. Pending miscellaneous petitions, if any, shall stand closed.

//TRUE COPY//

SD/-T.TIRUMALA DEVI
ASSISTANT REGISTRAR

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
7. One Spare Copy

CHR



HIGH COURT

DATED:12/07/2021

ORDER

W.P.No.15504 of 2021



DISPOSING OF THE WRIT PETITION
AT THE STAGE OF ADMISSION
WITHOUT COSTS

(9) VW
20/7/21