

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

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 16756 OF 2021

Between:

Kama Srinivas, S/o. Kama Sattaiah, Aged, 37 years, Occ. Private Employee,
R/o. H.No.3-391, Subash Road, Mancherial, Mancherial District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Secretary, Revenue (Stamps and Registration) Department, Secretariat, Hyderabad.
2. The District Registrar, Medchal Malkajgiri District.
3. The Sub- Registrar, Malkajgiri, Medchal Malkajgiri District.
4. The Telangana State Wakf Board, Nampally, Hyderabad, rep. by its Chairman.

...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, to declare the action of the respondents, particularly the 3rd respondent, in refusing to receive, register and release the Sale Deed in respect of residential unit bearing no.002, having municipal door no. 25-40/78/5/G2, Ground Floor of Vijay Residency consisting of 715 Sft. of built-up area with an undivided share of 30 Sq.yds., out of 210 Sq.yds., constructed on Plot No.6, in Sy.No.571 and 572, situated at Anantha Saraswathi Nagar, East Anandbagh, Malkajgiri, under Malkajgiri Circle and Mandal, within the limits of GHMC, Medchal Malkajgiri District, as illegal, arbitrary, against the provisions of Registration Act and against the settled principle of law and consequently direct the 3rd respondent to receive, register and release the Sale Deed in respect of residential unit bearing no.002, having municipal door no. 25-40/78/5/G2, Ground Floor of Vijay Residency consisting of 715 Sft. of built-up area with an undivided share of 30 Sq.yds., out of 210 Sq.yds., constructed on Plot No.6, in Sy.No.571 and 572, situated at Anantha Saraswathi Nagar, East Anandbagh, Malkajgiri, under Malkajgiri Circle and Mandal, within the limits of GHMC, Medchal Malkajgiri District, in the interest of Justice.

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 forthwith receive, register and release the Sale Deed in respect of residential unit bearing no.002, having municipal door no. 25-40/78/5/G2, Ground Floor of Vijay Residency consisting of 715 Sft. of built-up area with an undivided share of 30 Sq.yds., out of 210 Sq.yds., constructed on Plot No.6, in Sy.No.571 and 572, situated at Anantha Saraswathi Nagar, East Anandbagh, Malkajgiri, under Malkajgiri Circle and Mandal, within the limits of GHMC, Medchal Malkajgiri District, in the interest of Justice, pending disposal of main Writ Petition.

Counsel for the Petitioner: SRI S. SURENDER REDDY

Counsel for the Respondent Nos. 1 to 3: GP FOR REVENUE

**Counsel for the Respondent No.4: SRI ABU AKRAM,
S.C. FOR TELANGANA STATE WAKF BOARD**

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.16756 OF 2021

ORDER:

Heard learned counsel for the petitioner, learned Assistant Government Pleader for Revenue for respondent Nos 1 to 3 and Sri Abu Akram, learned counsel for respondent No.4.

2. Petitioner claims to be the owner and possessor of residential unit bearing No.002, having municipal door No.25-40/78/5/G2, Ground Floor of Vijay Residency consisting of 715 square feet of built-up area with an undivided share of 30 square yards constructed on plot No.6 in survey Nos 571 and 572 situated at Anantha Saraswathi Nagar, East Anandbagh, Malkajgiri Circle and Mandal, within the limits of GHMC, Medchal Malkajgiri District having purchased the same through a registered sale deed on 24.12.2011. With intention to alienate the above said property, when petitioner approached the Sub Registrar, Malkajgiri, Medchal - Malkajgiri District, respondent No.3, to enquire about the stamp duty and registration charges, he informed the petitioner that no registration is entertained on the subject property. Hence, this writ petition is filed to direct the 3rd respondent to receive, register and release the document presented by the petitioner.

3. According to learned counsel for petitioner, the subject property is purely a private patta land and no notification is issued under Section 22-A of the Registration Act. Therefore, learned counsel for petitioner contends that not accepting the document presented by petitioner for registration is *ex facie* illegal.

4. However, as fairly admitted by learned counsel for the petitioner, so far document is not presented before the registering authority after payment of stamp duty and registration charges. Therefore, it cannot be said that the registering authority is negligent in receiving and processing the document for registration.

5. In view of the same, the writ petition is disposed of granting liberty to the petitioner to present the sale deed on the subject property after paying stamp duty and registration charges. If the document is presented by the petitioner by complying with all the requirements, the registering authority shall receive and process the same strictly in accordance with provisions of the Indian Registration Act and the Indian Stamp Act. If the registering authority is of the opinion that the document presented by the petitioner can be registered, he shall register and release the same. If the document cannot be registered, he shall assign reasons in support of the decision and communicate the refusal memo to the petitioner. The entire exercise shall be completed within a period of four weeks from the date of presentation of document by the petitioner. Miscellaneous petitions, if any, pending, stand closed.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Revenue (Stamps and Registration) Department, State of Telangana, Secretariat, Hyderabad.
2. The District Registrar, Medchal Malkajgiri District.
3. The Sub - Registrar, Malkajgiri, Medchal Malkajgiri District.
4. The Chairman, Telangana State Wakf Board, Nampally, Hyderabad.
5. One CC to Sri S. Surender Reddy, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
7. One CC to Sri Abu Akram, S.C. for Telangana State Wakf Board (OPUC)
8. Two CD Copies.
9. One Spare Copy.

MP



HIGH COURT

DATED:23/07/2021

ORDER

WP.No.16756 of 2021



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

11
KMA
05/8/2021