

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.20810 of 2021

ORDER:

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

The main grievance of the petitioner is that the respondent Nos.2 and 3 are refusing to receive and register the sale deed submitted by the petitioner for registration in respect of the open plot admeasuring 615 sq. yards in Survey No.725/34 situated at Shamshabad Village and Mandal, Ranga Reddy District, on the ground of issuance of notification dated 26-09-2013, by the District Collector, Ranga Reddy District.

The learned counsel for the petitioner has submitted that on earlier occasions, this Court in W.P.Nos.11334 of 2019 & batch, dated 11.06.2019, W.P.No.17050 of 2019, dated 09.08.2019, W.P.No.2301 of 2020, dt.05.02.2020, and W.P.No.10846 of 2020, dt. 22-07-2020, has passed orders directing the registration of the documents presented/pending before the authorities; the subject land in the present writ petition also pertains to the very same survey number and very same notification.

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.

Section 71 of the Registration Act, 1908 (for short 'the Act') 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 a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

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 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 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.

The miscellaneous petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.ABHISHEK REDDY, J

Date : 28.07.2020.
lur/smr