

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

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 21517 OF 2021

Between:

Mohammed Jalis Shareef, S/o.Khader Shareef Aged about 43 years, Occ.
Business R/o.H.No.12-1-1168, Shanthi Nagar, Lalaguda, Secunderabad,
Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Stamps and Registration
Department Secretariat Buildings, Hyderabad.
2. The District Registrar, Medchal Malkajgiri District.
3. The Sub-Registrar, Malkajgiri, Medchal Malkajgiri District.
4. Telangana State Waqf Board, Rep. by its Chief Executive Officer Opp. Public
Gardens, Nampally, Hyderabad.

...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 3rd Respondent in refusing to receive the
document in respect of residential house bearing H.No.44-409/2, consisting of
Ground and 1st Floor constructed on part of Plot No.84 in Part of Sy.No.399 and
400 admeasuring 90 sq. yards situated at Tirumala Nagar, Moulali Village,
Malkajgiri Mandal, Medchal Malkajgiri District as illegal, arbitrary, contrary to Sec.71
of Stamps and Registration Act and violation of Article 300-A of Indian Constitution
and consequently direct the 3rd Respondent to receive and process the document
for registration in respect of the above property.

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 3rd respondent to receive and process the document for registration in respect
of residential house bearing H.No.44-409/2, consisting of Ground and 1st Floor
constructed on part of Plot No.84 in Part of Sy.No.399 and 400 admeasuring 90 sq.
yards situated at Tirumala Nagar, Moulali Village, Malkajgiri Mandal, Medchal
Malkajgiri District, pending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI T. RAJINIKANTH REDDY

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

Counsel for the Respondent No.4: SRI ABU AKRAM, SC FOR WAQF BOARD

The Court at the stage of admission made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.21517 of 2021

ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader for Revenue for respondent Nos.1 to 3, and Sri Abu Akram, learned Standing Counsel for Waqf Board for respondent No.4. With their consent, the Writ Petition is disposed of at the stage of admission.

Aggrieved by the action of the respondent No.3 in refusing to receive the document presented in respect of residential house bearing No.44-409/2 in plot No.84 in part of survey Nos.399 and 400 admeasuring 90 sq. yards situated at Tirumala Nagar, Moulali Village, Malkajgiri Mandal, Medchal Malkajgiri District, the present writ petition is filed.

The learned Government Pleader has 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 made submission 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, 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. It is made clear that mere registration of the document does not confer any title to the property. The petitioner shall not claim equities in case any adverse orders are passed against him. 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. 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.

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

SD/ M. MANJULAM
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Stamps and Registration Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The District Registrar, Medchal Malkajgiri District.
3. The Sub-Registrar, Malkajgiri, Medchal Malkajgiri District.
4. The Chief Executive Officer, Telangana State Waqf Board, Opp. Public Gardens, Nampally, Hyderabad.
5. One CC to Sri T. Rajinikanth 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 SC for Waqf Board, [OPUC]
8. Two CD Copies
9. One Spare Copy

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HIGH COURT

DATED:14/09/2021

ORDER

WP.No.21517 of 2021



DISPOSING OF THE WP
AT THE STAGE OF ADMISSION
WITHOUT COSTS

ATM
21/9/2021 (11)