

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

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 29694 OF 2021

Between:

Smt. Eluri Lakshmi Devi, W/o Late Eluri Venkata Subba Rao, Age.70 Yrs,
Occ House Wife, R/o H.No.1-55/1/5, Avanti Nagar Colony, Bobbuguda,
Balanagar Mandal, Kukatpally Municipality, Ranga reddy District

...PETITIONER

AND

1. State of Telangana, Rep by its Principal Secretary, Revenue (Stamps and Registration) Department, Secretariat Building, Hyderabad.
2. District Registrar, Ranga Reddy District, Balanagar, Hyderabad.
3. Sub-Registrar, Balanagar, 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 respondents more particularly 3rd Respondent in refusing to receive and register the Sale-Deed in respect of land bearing municipal No.1-11/1/5, on plot No.196,197,202, and 203, admeasuring 853.34 Sq.Yards in Sy.No.18, situated at Avanthi Nagar Colony, Babbuguda Village, Balanagar Mandal, Kukatpally Municipality, Ranga Reddy District, Flat No.201, 401,402,501 and 503 presented by the Petitioners in respect of without any reference is illegal, arbitrary, violation of Articles 14 and 300-A of the Constitution of India and also contrary to the provisions Registration Act 1908 and consequently direct the Respondents No. 2 and 3 to receive and register the same presented by the petitioners.

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 No.2 and 3 to receive register and release the Sale Deed presented by the petitioners in respect of land bearing Municipal No.1-11/1/5, on Plot No.196, 197, 202 and 203, admeasuring 853.34 Sq. yards in Sy.No.18, situated at Avanthi Nagar Colony, Babbuguda Village, Balanagar Mandal, Kukatpally Municipality, Ranga Reddy District, Flat No.201, 401, 402, 501 and 503 without reference pending disposal of the Writ Petition.

**Counsel for the Petitioner : M/s. G. RAM BABU
Counsel for the Respondents: GP FOR REVENUE**

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

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.29694 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.

Aggrieved by the action of the respondent No.3 in refusing to receive and register the sale deed presented by the petitioner in respect of the subject property situated at Avanthi Nagar Colony, Babbuguda Village, Balanagar Mandal, Kukatpally Municipality, Ranga Reddy District, the present writ petition is filed.

The learned counsel for the petitioner has submitted that on an earlier occasion, this Court in W.P.No.16436 of 2021, dt.20.07.2021, has passed orders directing registration of the document presented/pending before the authorities.

The above position is not disputed by the learned Government Pleader and he 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 subject to the petitioner complying with the provisions of the Indian Registration Act, 1908, and the 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 equity in case any adverse orders are passed against them. 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/-B.SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Stamps and Registration) Department, State of Telangana, Secretariat Building, Hyderabad.
2. District Registrar, Ranga Reddy District, Balanagar, Hyderabad.
3. Sub-Registrar, Balanagar, Hyderabad
4. One CC to Sri G. Ram Babu, 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

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HIGH COURT

DATED:22/11/2021

ORDER

WP.No.29694 of 2021



DISPOSING OF THE WP
AT THE STAGE OF ADMISSION
WITHOUT COSTS

⑨ VLW
3/12/21