

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO**

:PRESENT:

THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY

**IA No. 1 OF 2022
IN
WP NO: 3975 OF 2022**

Between:

S.K.S. Kiran, S/o. S.R.K. Mohan Rao, Aged about 46 years, Occ: Engineer, R/o. Flat No. 5F, Shimla Tower, Hill County, Nizampet Road, Bachpally, Ranga Reddy District. Rep. by his Agreement of Sale cum General Power of Attorney holder, Smt. Dasari Sridevi, W/o. Dasari Venkateswarlu, Aged about 29 years, Occ: Housewife, R/o. H.No.18-488/3/1, Mallikharjuna Nagar, Malkajgiri, Hyderabad.

**...Petitioner
(Petitioner in WP No.3975 OF 2022
on the file of High Court)**

AND

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

**...Respondents
(Respondents in-do-)**

Counsel for the Petitioner: SRI. K. ROHIT

**Counsel for the Respondents Nos.1 to 3: GP FOR STAMPS AND
REGISTRATION**

Counsel for the Respondent No.4: SRI. ABU AKRAM

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the Writ Petition, the High Court may be pleased to receive, register and release the sale deed in respect of Residential House bearing Municipal No. 24-3-45/4 (old No.24-4/19) constructed on Plot No. 19 admeasuring 109 Sq. Yards in Sy. Nos. 513/1, 514/1 and 515/1, situated at Vimala Devi Nagar, within GHMC Malkajgiri Circle, Malkajgiri Mandal, Ranga Reddy District (now in Medchal-Malkajgiri District) without reference to the refusal order No. 14 of 2021 passed by the 3rd respondent herein, pending disposal of Writ Petition No.3975 of 2022, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

"Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue for the respondents.

The main grievance of the petitioner is that respondent No.3 is refusing to receive, register and release the document presented by them in respect of the subject property situated at Vimala Devi Nagar, within GHMC Malkajgiri Circle, Malkajgiri Mandal, Ranga Reddy District (now in Medchal-Malkajgiri District)

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, 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 provision of law, the Registering Authority is directed 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 and subject to the result of the writ petition. It is made clear that mere registration of the document does not confer any title to the property and the petitioner shall not seek any equities if any adverse orders are passed against him.

Post on 27.03.2022."

SD/- K. ONESIM
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Stamps & 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, State of Telangana, Wakf Board, Nampally, Hyderabad (By RPAD).
5. One CC to Sri. K. ROHIT, Advocate [OPUC].
6. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana at Hyderabad [OUT].
7. One spare copy.

HIGH COURT

BVRJ

DATED: 16/03/2022

ORDER

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DIRECTION

