

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
MONDAY, THE SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR
WRIT PETITION NO: 7772 OF 2020

Between:

1. Dharshanam Ramesh, S/o Dharshanam Mallaiah.
 2. Smt. D. Anitha W/o Late D. Ramesh, Aged about 55 years, Occ Housewife, R/o H.No.849/B, Phase - 1 Allwyn Colony, Medchal - Malkajgiri District, Telangana
 3. Darshanam Arun, S/o Late D. Ramesh, Aged about 33 years, Occ Private-Employee H.No.849/B, Phase - 1 Allwyn Colony, Medchal - Malkajgiri District, Telangana
 4. Darshanam Ajay, S/o Late D. Ramesh, aged about 29 years, Occ Private Employee H.No.849/B, Phase - 1 Allwyn Colony, Medchal - Malkajgiri District, Telangana
- Petitioners 2 to 4 brought on record as Lrs of the Deceased petitioner No.1 as per C.O.dt.30/11/2022 in I.A.No.1/2022

Petitioners

- AND -

1. The State of Telangana, rep.by its Principal Secretary, Revenue (Stamps and Registration) Department, Secretariat at B R K Bhavan, Hyderabad.
2. The District Registrar, Medchal Malkajgiri District
3. The Sub Registrar, Kukatpally, Medchal Malkajgiri District

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 or order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the 3rd respondent herein for refusal of sale deed 1) vide P.226/2019, dt.25/11/2019 of petitioner document is illegal, arbitrary, unconstitutional and contrary to under section 22-A of Registration Act by setting aside the orders of the 3rd respondent dt.25/11/2019 and consequently Honorable Court may be pleased to direct the 3rd respondent to register and release the document presented by the petitioner in respect of the property vide Refusal No.13/2019, dt.25/11/2019 of pending document No.226/2019 relating to open plot No.1099, admeasuring 100 Sq.Yds and Open Plot No.1099/1 admeasuring 50.0 SQ.Yards total admeasuring 150 Sq.Yds or 125.4 Sq.Mtrs situated in Sy.No.336, Phase-I, Allwyn Colony, Kukatpally Village, Kukatpally Mandal, Medchal Malkajgiri District bounded by North. 15'0 Wide Road, South. Open Plot, East. Neighbours Plot, West. Plot No.1098 forthwith;

IA NO: 1 OF 2020

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 register and release the document presented by the petitioner in respect of the property vide Refusal No.13/2019, dt.25/11/2019 of pending document No.226/2019 relating to open plot No.1099, admeasuring 100 Sq.Yds and Open Plot, No.1099/1 admeasuring 50.0 SQ.Yards total admeasuring 150 Sq.Yds or 125.4 Sq.Mtrs situated in Sy.No.336, Phase-I, Allwyn Colony, Kukatpally Village, Kukatpally Mandal, Medchal Malkajgiri District bounded by North. 15'0 Wide Road, South. Open Plot, East. Neighbours

Plot, West. Plot No.109B forthwith, Pending disposal of WP 7772 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI SREENATH KONDAPALLY Advocate for the Petitioners, GP FOR STAMPS AND REGISTRATION for the Respondents, the Court made the following.

ORDER

The impugned refusal order was passed by the third respondent basing on extraordinary gazette notification in R.R.No.84 of Ranga Reddy District vide File No.E5/4761/2013/Balanagar/Kukatpally dated 26.09.2013 issued by the District Registrar, Medchal-Malkajgiri, Ranga Reddy District.

Prima facie, the action of the third respondent in refusing to register the document basing upon the gazette notification published by the District Collector is not a notification within the meaning under Section 22-A of the Registration Act, 1908 ("the Act, 1908" for brevity). In the absence of any notification under Section 22-A of the Act, 1908, any action on the part of the third respondent in refusing to register the documents presented for registration is not in accordance with law.

In the circumstances, pending further orders, the third respondent is directed to receive the returned document covered by refusal order No.13/2019 dated 25.11.2019, process and register the same and release in favour of the petitioners without reference the impugned refusal order dated 25.11.2019 within a period of two (2) weeks from the date of re-presentation of such document by the petitioner.

However, the registration, which is carried in terms of this order, shall be treated as provisional registration and subject to the result of the main Writ Petition.

Post on 06.02.2023 for filing counter.

SD/- A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Stamps and Registration) Department, The State of Telangana, Secretariat at B R K Bhavan, Hyderabad. (by RPAD)
2. The District Registrar, Medchal Malkajgiri District (by RPAD)
3. The Sub Registrar, Kukatpally, Medchal Malkajgiri District (by RPAD)
4. One CC to SRI. SREENATH KONDAPALLY Advocate [OPUC]
5. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana at Hyderabad. [OUT]
6. One spare copy

HIGH COURT

MSKJ

DATED:02/01/2023

POST ON 06.02.2023

ORDER

WP.No.7772 of 2020

DIRECTION

