

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.12522 OF 2022

ORDER:

This Writ Petition is filed questioning the arbitrary and highhanded action of the respondents, more particularly, the respondent No.4 in not allowing the petitioner any kind of registrations based on Hiba vide Unregistered Deed of Declaration dated 23-01-2004 gifted by his mother Khairunnisa Begum who has purchased the House bearing Municipal No.16-2-50/5 (Old Plot No.121/1) admeasuring 592.50 Sq.yds, situated at Akberbagh, Malakpet, Hyderabad, Telangana State.

2. The case of the petitioner is that the respondent No.4 in not allowing the petitioner any kind of registrations based on Hiba vide Unregistered Deed of Declaration dated 23-01-2004, by stating that said Hiba cannot be considered as link document.

3. However, the petitioner has filed Assessment Proceedings which was issued by Greater Hyderabad Municipal Corporation Authorities to prove his possession.

4. The case of the petitioner is that oral gift is permitted under Muslim Law and it does not require any registration as per Judgment of Hon'ble Supreme Court of India in **Hafeeza Bibi and others Vs. Shaikh Farid (dead) by LRs and others**¹, despite above decision, the respondent No.4 is not allowing any kind of deed of conveyance by overlooking the said legal position. As such, the petitioner was constrained to invoke the jurisdiction of this Court to direct the respondents more particularly respondent No.4 to allow registrations.

5. While making submissions, learned counsel for the petitioner requested that he may be permitted to file detailed representation.

6. Accordingly, the petitioner is hereby permitted to file detailed representation before the respondents and whenever such representation is made, the respondents are hereby directed to consider the representation within four weeks from the date of filing representation, by giving details, or substantiating reasons of refusal to register the documents, if any, presented for registration.

¹ AIR 2011 SUPREME COURT 1695

7. With the above directions, this Writ Petition is disposed off.

The Miscellaneous Petitions pending, if any, shall stand closed.

There shall be no order as to costs.

Date: 22nd April, 2022
KHRM

N.V.SHRAVAN KUMAR, J

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Dated 22nd April, 2022

KHRM