

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

**TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 13335 OF 2022

Between:

1. Sharma K.H.V.S., S/o. K.Suryanarayana Murthy, aged about 45 years, Occ. Business, R/o. Flat No.305, Sai Laxmi Towers, Annapurna Enclave, Chandanagar, Hyderabad.
2. Naveen Kanduri, S/o. Narsimha Chary Kanduri, Aged about 42 years, Occ. Business, R/o. Flat No.O-705, Block-O, Aparna Cyberzon, Nallagndla, Lingampally, Hyderabad.

...PETITIONERS

AND

1. State of Telangana, Rep. by its Principal Secretary, Revenue (Stamps and Registration) Department, Secretariat, Hyderabad.
2. The District Registrar, Registration and Stamps, Ranga Reddy District.
3. The Joint Sub-Registrar-I, Stamps and Registration RO, O.B., Ranga Reddy District.
4. The District Collector, Ranga Reddy 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, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in not receiving, registering and releasing the Agreement of Sale cum General Power of Attorney With Possession submitted by the petitioners in respect of the Plot bearing No232/B, in Survey No.5/3, admeasuring 500 Sq.Yds., situated at Nandi Hills of Raidurg Pan Maqtha Village, Serilingampally Mandal, under GHMC Serilingampally Circle, Ranga Reddy District, basing on the notification dated 26.09.2013 of the 4th respondent, as illegal, arbitrary, violative of provisions of the Registration Act, 1908, discriminatory, unconstitutional and in violation of Articles 14 and 300A of the Constitution of India and consequently direct the 3rd Respondent to receive, register and release the said Agreement of Sale cum General Power of Attorney with Possession, in respect of the aforesaid said plot submitted by the petitioners, without reference to the notification of the 4th respondent dated 26.09.2013 and without insisting for any clearance from the Revenue Authorities.

IA NO: 1 OF 2022

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, register and release the Agreement of Sale cum General Power of Attorney with Possession submitted by the petitioners in respect of the Plot bearing No232/B, in Survey No.5/3, admeasuring 500 Sq.Yds., situated at Nandi Hills of Raidurg Pan Maqtha Village, Serilingampally Mandal, under GHMC Serilingampally Circle, Ranga Reddy District, without reference to the notification dated 26.09.2013 of the 4th respondent and without insisting for any clearance from the Revenue Authorities, pending disposal of the above Writ Petition.

Counsel for the Petitioners:SRI SRIKANTH KAVETI

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.13335 OF 2022

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue for the respondents. With their consent, the Writ Petition is disposed of at the stage of admission.

2. The main grievance of the petitioners 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 Nandi Hills, Raidurg Pan Maqtha village, Serilingampally mandal under GHMC Serilingampally circle, Ranga Reddy district.

3. Learned Government Pleader has stated that the official respondents will follow the procedure contemplated under Section 71 of the Registration Act, 1908.

4. 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.

5. In view of the above submission made by the learned Government Pleader 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/s, subject to the petitioners complying with the provisions of the Registration Act, 1908, and Indian Stamp 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 petitioners.

The miscellaneous petitions pending, if any, shall stand closed.

There shall be no order as to costs.

SD/-A.V.S.S.C.S.M.SHARMA
REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Stamps and Registration) Department, State of Telangana, Secretariat, Hyderabad.
2. The District Registrar, Registration and Stamps, Ranga Reddy District.
3. The Joint Sub-Registrar-I, Stamps and Registration RO, O B., Ranga Reddy District.
4. The District Collector, Ranga Reddy District
5. One CC to SRI. SRIKANTH KAVETI Advocate [OPUC]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
7. Two CD Copies.
8. One Spare Copy.

GB
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HIGH COURT

DATED:29/03/2022



ORDER

WP.No.13335 of 2022

DISPOSING OF THE WP
WITHOUT COSTS.

ATM 10
19/5/2022