

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY
WRIT PETITION NO: 15939 OF 2022

Between:

Smt. Shobha Naidu, W/o. Ravi G. Naidu D/o. Sri. T. Devotham, Occ. Self Employed, R/o. H.No.44-25/50, Plot No.50, Tirumala Nagar, Moula-Ali, Malkajgiri, Medchal-Malkajgiri District.

...Petitioner

AND

1. The State of Telangana, Rep. by its Secretary, Revenue (Stamps and Registration) Department, Secretariat, Hyderabad.
2. The District Registrar, Medchal Malkajgiri District.
3. The Sub-Registrar, Malkajgiri, Medchal Malkajgiri District
4. The Telangana State Wakf Board, Nampally, Hyderabad, Rep. by its Chief Executive Officer.

...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, to declare the action of the 3rd respondent in refusing to receive, register and release the Sale Deed in respect of house bearing No.44-25/50 on Plot No.50, admeasuring an area of 350 Sq.yds in Sy.No.398 situated at Tirumala Nagar, Moula-Ali, within the limits of GHMC, Malkajgiri Circle and Mandal, Ranga Reddy District (presently Medchal-Malkajgiri District), as illegal, arbitrary, against the provisions of Registration Act and against the settled principles of law and consequently direct the respondents to receive, register and release the Sale Deed in respect of house bearing No.44-25/50 on Plot No.50, admeasuring an area of 350 Sq.yds in Sy.No.398 situated at Tirumala Nagar, Moula-Ali, within the limits of GHMC, Malkajgiri Circle and Mandal, Ranga Reddy District (presently Medchal-Malkajgiri District)

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 3rd respondent to forthwith to receive, register and release the Sale Deed in respect of house bearing No.44-25/50 on Plot No.50, admeasuring an area of 350 Sq.yds in Sy.No.398 situated at Tirumala Nagar, Moula-Ali, within the limits of GHMC, Malkajgiri Circle and Mandal, Ranga Reddy District (presently Medchal-Malkajgiri District), pending disposal of main Writ Petition

Counsel for the Petitioner:

SRI. AKKAM ESHWAR

Counsel for the Respondent No. 1 to 3:

ASST. GP FOR REVENUE

Counsel for the Respondent No. 4:

SRI ABU AKRAM

The Court made the following

ORDER:

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION No.15939 of 2022

ORDER:

Heard the learned counsel for the petitioner 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 petitioner is that respondent No.3 is refusing to register and release the sale deed in respect of House bearing No.44-25/50 on Plot No.50, admeasuring 350 square yards in Sy.No.398, situated at Tirumala Nagar, Moula-Ali, within the limits of GHMC, Malkajgiri Circle and Mandal, 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, subject to the petitioner 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/- KAMMAJI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Revenue (Stamps and Registration) Department, State of Telangana, Secretariat, Hyderabad.
2. The District Registrar, Medchal Malkajigiri District,
3. The Sub-Registrar, Malkajigiri, Medchal Malkajigiri District
4. The Chief Executive Officer, Telangana State Wakf Board, Nampally, Hyderabad
5. One CC to Sri Akkam Eshwar Advocate [OPUC]
6. Two CC to GP for Revenue, High Court for the State of Telangana. [OUT]
7. Two CD Copies

HIGH COURT

BVRJ

DATED:30/03/2022



ORDER

WP.No.15939 of 2022

WRIT PETITION IS DISPOSED OF AS NO COSTS