

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.16679 of 2022

ORDER:

This writ petition has been filed seeking a writ of mandamus declaring the district Gazette Notification dated 26.09.2013 issued by the 3rd respondent as illegal and arbitrary.

2. 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.

3. The main grievance of the petitioner is that the respondent No.2 is refusing to accept, register and release the document(s) submitted for registration in respect of the property bearing Plot No.44 admeasuring 266.66 square yards or equivalent to 222.92 square meters in Survey No.44/3/1 and 44/2 (Old No.116) situated at Rest of the area in block No.1 of Maktha Mahaboobpet village, Serilingampally Mandal, Ranga Reddy District.

4. The learned counsel for the petitioner has submitted that on earlier occasions, this Court in W.P. No.17050 of 2019, dated 09.08.2019, and W.P. No.2301 of 2020, dated 05.02.2020, has passed orders directing the registration of the documents presented/pending before the authorities; the subject land in the present writ petition also pertains to the very same survey number.

5. The above position is not disputed by the learned Government Pleader and he fairly conceded for passing similar order in this writ petition and stated that the official respondents will follow the procedure contemplated under Section 71 of the Registration Act, 1908.

6. Section 71 of the Registration Act, 1908 (for short 'the Act') reads as follows:

“71. 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 situate within his sub-district, shall make an order of refusal and record 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.”

7. In view of the above submissions made by both the parties coupled with the provision of Section 71 of the Registration Act, 1908, this writ petition is disposed of directing the Registering Authority to receive and process the subject document(s), without reference to the District Gazette Notification, dated 26.09.2013, subject to the

petitioner complying with the provisions of the Indian Registration Act, 1908, and Indian Stamps Act, 1899. It is also open to the Registering Authority to refuse/receive the document(s) 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(s). It is made clear that mere registration of document(s) does not confer title to the property.

Accordingly, this writ petition is disposed of. No order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

Date: 04.04.2022
LSK

JUSTICE N.V.SHRAVAN KUMAR