

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

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 22096 OF 2022

Between:

Ch. Arundhati Reddy, S/o Ravindra Reddy, Aged 65 years, occ House wife, R/o, Banjara Hills, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep by its principal secretary (Revenue) Secretariat, Hyderabad. .
2. The Commissioner Stamps and Registration, Nampally, Hyderabad.
3. The District Registrar, Ranga Reddy District, Hyderabad,
4. The Tahsildar, Abdullapurmet Revenue Mandal, Ranga Reddy District.
5. Nalakonda Sudhakar Rao, S/o Ramchendar, Aged 76 years, occ Business, R/o 1-6-4/4, Chaitanyapuri, Dilsukhnagar, Hyderabad

...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 pass an order or direction or writ in the nature of Mandamus duly declaring the action of the 4th respondent in refusing to entertain the document of sale for registration in respect of property vide agricultural land admeasuring Acres 1-00, in survey number 376/41, out of total extent of 12-30 guntas, situated at Batasingaram Village and Gram Panchayat, Abdullapurmet Revenue Mandal, Ranga Reddy District, as illegal, arbitrary and against the principles of natural justice as well as against Article 300(A) of Constitution of India and consequently direct the 4th respondent to receive, register and release the proposed sale deed in respect of the above land in the interest of justice.

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 4th respondent to receive, register and release the proposed sale deed in respect of the property vide agricultural land admeasuring Acres 1-00, in survey number 376/41, out of total extent of 12-30 guntas, situated at Batasingaram Village 86 Gram Panchayat, Abdullapurmet Revenue Mandal, Ranga Reddy District, in the interest of justice.

Counsel for the Petitioner : SRI. P RAMA SHARANA SHARMA

Counsel for the Respondents: GP FOR STAMPS AND REGISTRATION

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION No. 22096 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.4 is refusing to register and release the document presented by her in respect of agricultural land admeasuring Ac.1.00 in Sy.No.376/41, out of total extent of Ac. 12.30 guntas, situated at Batasingaram village & Gram Panchayat, Abdullapurmet Revenue 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 petitioner.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/-M.MANJULA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The principal secretary (Revenue) Secretariat, State of Telangana, Hyderabad.
2. The Commissioner Stamps and Registration, Nampally, Hyderabad.
3. The District Registrar, Ranga Reddy District, Hyderabad.
4. The Tahsildar, Abdullapurmet Revenue Mandal, Ranga Reddy District.
5. One CC to SRI. P RAMA SHARANA SHARMA, Advocate [OPUC]
6. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CD OCpies
8. One Spare Copy

CHS

MMA

HIGH COURT

DATED:28/04/2022

ORDER

WP.No.22096 of 2022

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS



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MA
15/6/22