

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

FRIDAY, THE TWENTY NINTH DAY OF APRIL  
TWO THOUSAND AND TWENTY TWO

**:PRESENT:  
THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY**

**WRIT PETITION NO: 22333 OF 2022**

**Between:**

Sri Kunchapu Chinnaiah, S/o, Kunchapu Eedanna, Aged 52 years, Occ: Agriculture, R/o, H.No. 2-59/1, Eeratanipally, Penmala, Erstwhile Mahabubnagar District, Now under Nagarkurnool District

Petitioner

**AND**

1. The State of Telangana, rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Nagarkurnool.
3. The Tahsildar and Joint Sub-Registrar, Charakonda, Nagarkurnool.

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 or appropriate writ, Order or Direction, more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 3<sup>rd</sup> Respondent in not Registering the Gift Deed intended to be executed by the Petitioner in favour of his son Kunchapu Sreenaiah in respect of the land Adm. Acs.1-28 Gts in Sy.No.472/ 1-1-1-1-1/1 and land Adm. Acs.0-7 Gts in Sy.No.474/ 2 total Adm. Acs.1-35 Gts, situated at Jupally Village, Charkonda Mandal, Nagarkurnool District inspite of booking of Slot and even after payment of the stamp duty and other charges by the petitioner as contemplated under the Law and Rules in force as patently illegal, arbitrary and violative of Petitioner's right under Article 14, 21 and 300-A of the Constitution of India beside being contrary to the Section 5 of the Telangana Rights in Land and Pattedar Pass Book Act, 2020, and Consequently direct the Respondent No.3 to Register the Gift Deed upon execution by the Petitioner in favour of his son Kunchapu Sreenaiah in respect of the land Adm. Acs.1-28 Gts in Sy.No.472/ 1-1-1-1-1/1 and land Adm. Acs.0-7 Gts in Sy.No.474/ 2 total Adm. Acs.1-35 Gts, situated at Jupally Village, Charkonda Mandal, Nagarkurnool District, in pursuance to the already paid stamp duty and other charges by the Petitioner vide Challan No. REG 2100033845 deposited with the Respondent No.3 in accordance with law thereby issue the registered document;

**IA NO: 1 OF 2022:**

Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed in the writ petition, the High Court may be pleased to direct the Respondent No.3 to Register the Gift Deed upon execution by the Petitioner in favour of his son Kunchapu Sreenaiah in respect of the land Adm. Acs.1-28 Gts in Sy.No.472/ 1-1-1-1-1/1 and

land Adm.Acs.0-7 Gts in Sy.No,474/62 total Adm. Acs.1- 35 Gts, situated at Jupally Village, Charkonda Mandal, Nagarkurnool District in pursuance to the already paid stamp duty and other charges by the Petitioner vide Challan No. REG 2100033845 deposited with the Respondent No.3 in accordance with law, thereby issue the registered document;

Counsel for the petitioner : SRI MUDDU VIJAI

Counsel for the Respondents : AGP FOR REVENUE

**THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY**

**WRIT PETITION No.22333 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 document presented by him in respect of the land admeasuring Ac.1.28 gts in Sy.No.472/అ-అ-అ-అ/1 and the land admeasuring Acs.0.07 gts in Sy.No.474/అ2, totally admeasuring Acs.1.35 gts situated at Jupally village, Charkonda Mandal, Nagarkurnool 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 documents 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.

**SD/- K.AMMAJI**  
**ASSISTANT REGISTRAR**

//TRUE COPY//

*[Signature]*  
**SECTION OFFICER**

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Nagarkurnool.
3. The Tahsildar and Joint Sub-Registrar, Charakonda, Nagarkurnool.
4. Two CCs to GP for Revenue, High Court of Telangana, Hyderabad (OUT)
5. one CC to Sri Muddu Vijai, Advocate (OPUC)
6. Two CD Copies





HIGH COURT

BVR,J

DATE: 29-04-2022



ORDER

WP. NO. 22333 OF 2022

DISPOSING OF THE WRIT PETITION  
WITHOUT COSTS