

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

**FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 25693 OF 2022

Between:

1. Vengala Jagannatham, S/o Late Laxminarayana, Aged about 66 years, Occ. Rtd. Govt. Employee, All are R/o H.No. 9-34, Elagandula Village, Karimnagar Mandal and District.
2. Vengala Vittal, S/o Late Laxminarayana, Aged about 63 years, occ. Retd. Govt. Employee, All are R/o H.No. 9-34, Elagandula Village, Karimnagar Mandal and District.
3. Vengala- Krishnahari, S/o Late Laxminarayana, Age 50 years, Occ. Pvt. Employee, All are R/o H.No. 9-34, Elagandula Village, Karimnagar Mandal and District.
4. Gali Bhoomanna, S/o Veeramallaiah, Aged about 74 years, Occ. Retd. Govt. Employee, All are R/o H.No. 9-34, Elagandula Village, Karimnagar Mandal and District.
5. Smt.Vengala Sumathi, W/o Late. Bhoomaiah, Aged about 55 years, Occ. Housewife, All are R/o H.No. 9-34, Elagandula Village, Karimnagar Mandal and District.

Rep. by their G.P.A Holder Gali Sarojini W/o Bhoomaiah, Aged about 71 years, occ. Huosewife, R/o 1-52, Padmanagar, Karimangar Town and District.

...PETITIONERS

AND

1. The State of Tenlangana, Stamps and Registration Department, Rep by its Principal Secretary, Secretariat, Hyderabad.
2. The District Registrar, Stamps and Registration Department, Karimnagar, Karimnagar District.
3. The Joint Sub Registrar,, Stamps and Registration Department, Karimnagar, Karimnagar 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 to declare action of the respondent No. 3 in not receive, register and release the sale deed executed by the petitioner in respect of the property Open Plot bearing No.38, admeasuring 451 sq.yards in Sy.No. 127, Rekurthi Village, Kothapalli Mandal, Karimnagar District as illegal, arbitrary, without following due procedure of law, contrary to the provisions of Registration Act 1908 and violative of Article 21 and 300-A of the constitution of India and consequently direct the Respondent No.3 to receive, register and release the sale deed document presented by the petitioner in respect of the above property.

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 respondent No. 3 forthwith to receive, register and release gift deed executed by the petitioner in respect of the property Open Plot bearing No.38, admeasuring 451 sq.yards in Sy.No. 127, Rekurthi Village, Kothapalli Mandal, Karimnagar District, pending disposal of the writ petition.

Counsel for the Petitioners : SRI. PONNAM ASHOK GOUD

Counsel for the Respondents : AGP FOR REVENUE

The Court made the following : ORDER

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.25693 of 2022

ORDER:

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue appearing for the respondents. With their consent, this writ petition is disposed of at the threshold.

2. The main grievance of the petitioners is that the respondent No.3 is refusing to receive, register, release the sale deed presented by the petitioners in respect of open Plot bearing No.38, admeasuring 451 sq.yards in Sy No.127, Rekurthi Village, Kothapalli Mandal, Karimnagar District.

3. The learned Assistant Government Pleader for Revenue submitted 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 (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."

5. 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 respondent No.3 to receive and process the subject document(s), presented by the petitioner, 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.

Sd/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Stamps and Registration Department, Secretariat, State of Telangana, Hyderabad.
2. The District Registrar, Stamps and Registration Department, Karimnagar, Karimnagar District.
3. The Joint Sub Registrar,, Stamps and Registration Department, Karimnagar, Karimnagar District.
4. One CC to SRI. PONNAM ASHOK GOUD, Advocate. [OPUC]
5. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies
7. One Spare Copy

HIGH COURT

DATED:17/06/2022

ORDER

WP.No.25693 of 2022



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

⑨
2/7/22
HVL