

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

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 26162 OF 2022

Between:

M.Raji Reddy, S/o.M.Tirupati Reddy, Age about 46 years, Occupation. Agriculture, R/o.H.No.1A-120/43, R.R.Nagar, Mandamarri Mandal, Thimmapur, Adilabad District.

...PETITIONER(S)

AND

1. The State of Telangana, Rep by its Principal Secretary, Revenue (Registration and Stamps) Department, Secretariat buildings, Hyderabad.
2. The District Registrar of Assurances, Registration and Stamps Department Karimnagar Town and District Karimnagar, Telangana.
3. The Sub Registrar,, Gangadhara, 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 an order or direction more particularly one in the nature of Writ of MANDAMUS by declaring the action of the 3rd respondent in refusing to receive the document presented by the petitioner for registration of the Residential Plot No 55 admeasuring 264 sq.yds or 221.76 sq.mts situated Sy.No.65 of Rekurthy Village and Gram Panchayat, Kothapally Mandal, Karimnagar District without assigning any reason as being illegal, arbitrary and without jurisdiction and contrary to the Provisions Sec 71(1)(2) of the Registration Act and consequently direct the 3rd respondent to receive the documents presented by the petitioner for registration of the subject plot to pass.

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 3rd respondent to receive forthwith and register the document presented by the petitioner for registration in respect of residential Plot No 55 admeasuring 264 sq.yds or 221.76 sq.mts situated Sy.No.65 of Rekurthy Village and Gram Panchayat, Kothapally Mandal, Karimnagar District, pending disposal of the writ petition, and pass

Counsel for the Petitioner(s):SRI. RAVINDER REDDY SINGI REDDY

Counsel for the Respondents: GP FOR STAMPS AND REGISTRATION (TG)

The Court made the following: ORDER

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION.No.26162 OF 2022

ORDER:

Heard both sides and perused the material on record.

2. It is submitted by the learned counsel for the petitioner that subject matter of this Writ Petition is squarely covered by the order passed by this Court in W.P.No.44223 of 2018 and batch, dated 22.03.2022. The same is not disputed by the learned Government Pleader for Revenue.

3. Learned Assistant Government pleader has fairly stated that the official respondents will follow the procedure contemplated under Section 71 of the Registration Act, 1908.

Section 71 of the Registration Act, 1908 (for short 'the Act') 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.

4. 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, 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.

//TRUE COPY//

SD/-K.SAILESHI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The State of Telangana and 2 Others., Rep by its Principal Secretary, Revenue (Registration and Stamps) Department, Secretariat buildings, Hyderabad.
2. The District Registrar of Assurances, Registration and Stamps Department Karimnagar Town and District Karimnagar, Telangana.
3. The Sub Registrar., Gangadhara, Karimnagar District.
4. One CC to SRI. RAVINDER REDDY SINGI REDDY Advocate [OPUC]
5. Two CCs to GP FOR STAMPS AND REGISTRATION (TG) ,High Court for the State of Telangana. [OUT]
6. Two CD Copies
7. One Spare Copy

HIGH COURT

DATED:21/06/2022

ORDER

WP.No.26162 of 2022



DISPOSING OF THE W.P
WITHOUT COSTS

[Handwritten signature]
05/07/2022