

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

**THURSDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 30618 OF 2022

Between:

Kumboju Ramulu, S/o Chandraiah, aged about 47 years, Occ Agriculture, R/o
H.No. 6-11 Veditra, Ramadugu, Karimnagar District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue (Registration and Stamps) Department, Secretariat, Hyderabad.
2. The District Collector, Karimnagar District, at Karimnagar.
3. The Tahsildar and Joint Sub Registrar, Ramadugu, 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 appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the 3rd respondent in refusing to receive and register the Sale Deed presented by the petitioner duly paying the entire stamp duty and registration charges as per the slot booking dt. 20-6-2022 bearing Application Nos. 2200522859 in respect of the land in Sy.Nos. 583/A/2 and 589/B/2 admeasuring ac. 0.04 gts., and Ac. 0.06 gts., total ac. 0.10 gts. situated at Veditra village, ramadugu Mandal, Karimnagar District, without assigning any reason as being illegal, arbitrary and unjust and contrary to the provisions of Section 71 of the Registration Act, 1908.

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 herein to forthwith receive and register the Sale Deed presented by the petitioner in respect of the land in Sy.Nos. 583/A/2 and 589/B/2 admeasuring ac. 0.04 gts., and Ac. 0,06 gts., total ac. 0.10 gts. situated at Vedira village, Ramadugu Mandal, Karimnagar District, pending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI N. HARI PRASAD

Counsel for the Respondents: GP FOR STAMPS AND REGISTRATION

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.30618 of 2022

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Stamps and Registration appearing for the respondents. With their consent, this writ petition is disposed of at the stage of admission.

2. Aggrieved by the action of respondent No.3 in refusing to entertain the subject document for registration in respect of the subject property, the petitioner filed the present writ petition.

3. The learned Government Pleader has stated that the respondents will follow the procedure contemplated under Section 71 of the Registration Act, 1908 (for short, 'the Act').

Section 71 of 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 made submissions coupled with the provision under Section 71 of the Act, this writ petition is disposed of directing the Registering Authority to receive and process the subject document/s, subject to the petitioner complying with the provisions of the Act as well as the Indian Stamp Act, 1899. It will be open to the Registering Authority to refuse the document/s presented before him, if he has any objection, by duly assigning reasons in support of such decision and communicate the said decision to the petitioner. It is made clear that this Court has not expressed any opinion on merits of the case as to the entitlement of the petitioner to get the subject document registered.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Registration and Stamps), Department State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Karimnagar District, at Karimnagar.
3. The Tahsildar and Joint Sub Registrar, Ramadugu, Karimnagar District.
4. One CC to SRI N. HARI PRASAD, Advocate [OPUC]
5. Two CCs to GP for Stamps and Registration, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies.
7. One Spare Copy

HIGH COURT

DATED:28/07/2022

ORDER

WP.No.30618 of 2022



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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