

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

(Special Original Jurisdiction)

**WEDNESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 32619 OF 2022

Between:

1. Nareddy Ram Reddy, S/o.Venkat Reddy, Aged about 39 years, Occ. Business, R/o.H.No.1-28, Nandagiri village, Pegadapally Mandal, Jagityal District
2. Akuthota Satyanarayana, S/o.Gopal, Aged about 43 years, Occ. Business, R/o,H.No.2-10-832/1, Jyothinagar, Karimnagar 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 declaring the action of the 3rd respondent in refusing to receive and register the Sale Deeds presented by the petitioners for registration in respect of their Residential Plots i.e., 1) Plot admeasuring 161.58 sq. yards in Sy.No.205/B, 2) Plot admeasuring 238.63 sq. yards in Sy.No.,205/B and 3) Plot admeasuring 191.33 sq. yards in Sy.No.205/B situated at Rekurthy village, Kothapalli Mandal, Karimnagar District without assigning reasons as illegal, arbitrary and without jurisdiction and also violative of principles of natural justice and consequently direct the 3rd respondent to receive and register the sale deeds presented by the petitioners for registration in respect of the aforesaid residential plots.

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 forthwith to receive, register and release the Sale Deeds presented by the petitioners for registration in respect of the Residential Plots i.e., 1) Plot admeasuring 161.58 sq. yards in Sy.No.205/B, 2) Plot admeasuring 238.63 sq. yards in Sy.No.,205/B and 3) Plot admeasuring 191.33 sq. yards in Sy.1\to.205/B situated at Rekurthy village, Kothapalli Mandal, Karimnagar District, pending disposal of the writ petition.

Counsel for the Petitioner(s): SRI G. SATISH BABU

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.32619 of 2022

ORDER:

In the present Writ Petition, the main grievance of the petitioners is that the respondent No.3 - Sub-Registrar, Gangadhara, Karimnagar District, is refusing to receive and register the subject documents presented by the petitioners in respect of the subject property situated at Rekurthy Village, Kothapally Mandal, Karimnagar District.

The learned counsel for the petitioners has submitted that on earlier occasion, this Court in its order dated 22.03.2022 in W.P.No.44223 of 2018 and batch, has considered the issue of non-registration of the properties in Rekurthy Village, Karimnagar District.

The above made submission is not disputed by the learned Government Pleader for Revenue.

Having regard to the above, it is relevant to refer to Section 71 of the Registration Act, 1908 (for short 'the Act, 1908') and Rule 58 of the Telangana Rules under the Act, 1908, which read as follows:

Section 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 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.

Rule 58

*58. It forms no part of a Registering Officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document; but he is bound to consider objections raised on any of the grounds stated below:

- a) that the parties appearing or about to appear before him are not the persons they profess to be;
- b) that the document is forged;
- c) that the person appearing as a representative, assign or agent, has no right to appear in that capacity;
- d) that the executing party is not really dead as alleged by the party applying for registration; or
- e) that the executing party is a minor or an idiot or a lunatic.*

In view of the above submissions made by both the parties coupled with the provisions of Section 71 of the Act, 1908 and Rule 58 of the Telangana Rules under the Act, 1908, the Writ Petition is disposed of directing the Registering Authority to receive and process the subject documents submitted by the petitioners subject to the petitioners complying with the provisions of the Act, 1908, and Indian Stamp Act, 1899. It will be open to the Registering Authority to refuse to 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 petitioners.

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

//TRUE COPY//

SD/- T. SRINIVAS
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Revenue, Registration and Stamps Department, State of Telangana 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 G. SATISH BABU 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.

NPJ
GJP

HIGH COURT

DATED:17/08/2022

ORDER

WP.No.32619 of 2022



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

(9)
MA
30/8/22