

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.38000 of 2022

ORDER:

In the present Writ Petition, the main grievance of the petitioners is that the respondent No.4 – Sub-Registrar, Gangadhara, Karimnagar District, is refusing to receive and register the subject documents presented by the petitioners in respect of the subject properties situated at Rekurthy Village, Kothapalli Mandal, Karimnagar District, basing upon a communication dated 26.07.2018 of the respondent No.7 – Tahsildar, Kothapalli, Karimnagar District.

2. 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.

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

4. 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 made 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.”

5. 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 made under the Act, 1908, the Writ Petition is disposed of directing the Registering Authority to receive and register the subject documents submitted by the petitioners subject to the petitioners complying with the provisions of the Act, 1908, and the 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.

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

MUMMINENI SUDHEER KUMAR, J

Date:11.10.2022

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