

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

(Special Original Jurisdiction)

**MONDAY, THE TWELFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

:PRESENT:

**THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR
WRIT PETITION NO: 44463 OF 2022**

Between:

1. Saraswati Venu Kumar, S/o Late Gangaraju, Occ. Business.
2. Akula Lakshman, S/o Mallaiah, Occ. Business

Both R/o Chigurmamidi Village and Mandal, Karimnagar District.

3. Mirjapuram Satyanarayana, S/o Narsaiah, Occ. Carpenter, R/o H.No.10-2-352, Vidyanagar, Karimnagar.
4. Alipi Reddy Vasanth, W/o Alipi Reddy Shankaraiah, Occ. Housewife, R/o H.NO.1-80/2, Rekurthy Village, Kothapally Haveli, Karimnagar District

...Petitioners

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 the document of 1st and 2nd petitioners property bearing Plot No.9, Sy.No.130 and 131 admeasuring 252.77 sq. yards, vide registered Doc.No.3100/2006, 3rd petitioner's property bearing Plot No.74, Sy.No.123 admeasuring 243.00 sq. yards, vide registered Doc.No.12892/2007 and 4th petitioner's property bearing Plot No.112, Sy.No.14, Municipal No.1-81/4/3/2/A/1 PTI No.1102405836 admeasuring 266.66 sq. yards, vide registered Doc.No.6217/2021 situated at Rekurthy Village, Karimnagar District the above said properties were registered in the office of the Sub Registrar, Gangadhara without assigning reasons as the same is illegal, arbitrary and without jurisdiction and also violative of principles of natural justice and consequently direct the 3rd respondent to receive the documents presented by the petitioners for registration in respect of the aforesaid extents for the total extent or part thereof in any kind of transfer of 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 3rd respondent forthwith to receive, register and release the documents presented by the petitioner for registration in respect of the property of the 1st and 2nd petitioner's property bearing Plot No.9, Sy.No.130 and 131 admeasuring 252.77 sq. yards, vide registered Doc.No.3100/2006, 3rd petitioner's property bearing Plot No.74, Sy.No.123 admeasuring 243.00 sq. yards, vide registered Doc.No.12892/2007 and 4th petitioner's property bearing Plot No.112, Sy.No.14, Municipal No.1-81/4/3/2/A/1 PTI No.1102405836 admeasuring 266.66 sq. yards, vide registered Doc.No.6217/2021 situated at Rekurthy Village, Karimnagar District the above said properties were registered in the office of the Sub Registrar, Gangadhara for the total extent or part thereof or for any kind of sale etc.

Counsel for the Petitioner: SRI. RAVINDER REDDY SINGI REDDY

Counsel for the Respondent No.1 to 3: GP FOR STAMPS AND REGISTRATION

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.44463 of 2022

ORDER:

Heard learned counsel appearing for the petitioners and learned Assistant Government Pleader for Stamps and Registration appearing for the respondents.

2. This Writ Petition is filed seeking to declare the action of respondent No.3 in refusing to receive the documents of petitioner Nos.1 and 2 in respect of property bearing Plot No.9 in Survey Nos.130 and 131 admeasuring 252.77 square yards, vide registered Document No.3100/2006, property bearing Plot No.74, Survey No.123 admeasuring 243.00 square yards vide registered document No.12892/2007 of petitioner No.3 and property bearing Plot No.112, survey No.14, Municipal No.1-81/4/3/2/A/1 PTI No.1102405836 admeasuring 266.66 square yards vide registered document No.6217/2021 of petitioner No.4, situated at Rekurthy Village, Karimnagar District, as arbitrary and illegal.

3. 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.

4. The above made submission is not disputed by the learned Government Pleader for Stamps and Registration.

5. 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.*

6. 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 register and release 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.

SD/- MOHD.SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue, Registration and Stamps Department,
Secretariat buildings, State of Telangana, 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, High Court for the
State of Telangana. [OUT]
6. Two CD Copies

HIGH COURT

MSK.J

DATED:12/12/2022

ORDER



WP.No.44463 of 2022

WRIT PETITION IS DISPOSED OF WITHOUT COST