

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

FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 46347 OF 2022

Between:

Mrs. Saleha Begum, W/o Mohammed Lutufuddin Ahmed, Occ Housewife, R/o H.
No. 20-6-216, Amberpet, Hyderabad, T.S.,

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary Stamps and Registration Department Secretariat, Hyderabad, T.S.,
2. Inspector General Stamps and Registrations, Telangana, Registration Bhavan, 4th and 5th Floor, Nizamshahi Road, Osmangunj, M.J. Market, Hyderabad - 500001
3. The Sub Registrar, Shamshabad, Ranga Reddy District, Telangana State

...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 any Writ, Order or direction more particularly one in the nature of WRIT MANDAMUS declaring the action of the Respondent No. 3 not receiving, registering and releasing the documents in favour of the prospective purchasers produced by the Petitioner without any cause and reason, for the Property Open Plot No. 12/Part, in Survey No. 23/Part, admeasuring 1000.00 Sq Yards or equivalent to 836.12 Sq meters, Situated at Madanpally Village, Shamshabad Mandal, Ranga Reddy Dist, Telangana State, inspite of submitting all the link documents is illegal, arbitrary and violation of articles 14, 21 and 300-A of Constitution of India also against the Principles of natural justice and consequently direct the Respondent No. 3 to receive, register and release the Document in favour of the Prospective purchasers produced by the Petitioner for the Property Open Plot No. 12/Part, in Survey No. 23/Part, admeasuring 1000.00 Sq Yards or equivalent to 836.12 Sq meters, Situated at Madanpally Village, Shamshabad Mandal, Ranga Reddy Dist, Telangana State;

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 pass an interim direction thereby directing the Respondent No. 3 to receive, register and release the Document in favour of the prospective purchasers produced by the Petitioner for the Property Open Plot No. 12/Part, in Survey No. 23/Part, admeasuring 1000.00 Sq Yards or equivalent to 836.12 Sq meters. Situated at Madanpally Village, Shamshabad Mandal, Ranga Reddy Dist. Telangana State, pending disposal of main Writ Petition;

Counsel for the Petitioner: SRI. MOHIN SHARIEF

**Counsel for the Respondents R1 TO R3: GP FOR STAMPS AND
REGISTRATION**

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.46347 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 receive, process, register and release the document presented by the petitioner for registration in respect of open plot No.12/Part, in Survey No.23/Part, admeasuring 1000.00 square yards or equivalent to 836.12 square meters, situated at Madanpally Village, Shamshabad Mandal, Ranga Reddy District, the petitioner filed this Writ Petition.

3. 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 submission coupled with the provision under Section 71 of the Act, this Writ Petition is disposed of directing the Registering Authority to receive, process, register and release 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. There shall be no order as to costs.

SD/- L. SIVA PARVATHI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary Stamps and Registration Department Secretariat, State of Telangana, Hyderabad, T.S.,
2. Inspector General Stamps and Registrations, Telangana, Registration Bhavan, 4th and 5th Floor, Nizamshahi Road, Osmangunj, M.J. Market, Hyderabad - 500001
3. The Sub Registrar, Shamshabad, Ranga Reddy District, Telangana State
4. One CC to SRI. MOHIN SHARIEF Advocate [OPUC]
5. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana, Hyderabad. [OUT]
6. Two CD Copies

HIGH COURT

MSKJ

DATED: 30/12/2022

ORDER

WP.No.46347 of 2022



WRIT PETITION IS DISPOSED OF WITHOUT COST