

**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: 46642 OF 2022

Between:

1. Varukolu Naga Laxmi, W/o Rajesham, Hindu, Occ. House Hold, R/o Kokkerakunta Village, Ramadugu Mandal, Karimnagar District.
2. ELIGETI RAJESHAM, S/o Sailu, Hindu, Occ. Business, Resident of ILNo.2-297, Poosala Road, Sultanabad Village and (M), Karimnagar District.
3. SRI VUSHAKOYALA SATHEESH, S/o Bhadrach, Hindu, Occ. Cooli, Resident of Rangampalli Village, Peddapalli Mandalam, Karimnagar District.
4. KOMMERA RAJA REDDY, S/o Venkata Narasimha Reddy, Hindu aged about 74 years, Occ. Pensioner, R/o ILNo.9-4-528, Sapthagiri Colony, Karimnagar.
5. SMT. ELUKAPALLY LAXMI, W/o Kanakaiah, Hindu, Occ. House Hold, R/o Rekurthy Village and Mandal, Karimnagar District

...PETITIONER(S)

AND

1. The State Of Telangana, Represented by its Principal Secretary, Department of Revenue (Registration and Stamps), Secretariat, Burugula Ramakrishna Bhavan, Near Tank Bund, Hyderabad.-PIN 500021.
2. The Commissioner and Inspector General - of Registration and Stamps, Mojham Jahi, (M.J.)Market road, Near Karachi Bakery, Nampally, Hyderabad. 500017.
3. The District Registrar of Stamps and Assurances,, Karimnagar.
4. The Sub-Registrar Gangadhara,, Karimnagar District.
5. The District Collector,, Karimnagar.
6. The Revenue Divisional Officer, Karimnagar.
7. The Tahasildar Kothapalli,, 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 writ order or direction more particularly one in the nature of writ of Mandamus declaring proceedings of the 7th respondent No. B/1582/2018 dated 26-07-2018 and consequential action of the respondent No.4 in not receiving sale deed documents of the writ petitioners herein for registration, pertaining to their residential House/Plots, under the guise of said proceedings of the respondent No.7, Is illegal, arbitrary and contrary to

contrary to section 17, 22 A and section 71 read with Rule 58 of Indian Registration Act & Rules and consequently direct the respondents herein, to receive and admit the sale deed document of the first writ petitioner pertaining to her residential house bearing H.No.No.1-37/4/A/1 with a plinth area of 707 Sq.Feet, built over residential Plot bearing No. Nil (abutting H.No.1-38) admeasuring 151.25 square yards, situated in S.No.45, and sale deed documents of the writ petitioners 2 to 5 herein, pertaining to their open residential Plots bearing No. 94, 16-Southern Part, 7, 18 and 19-Western Part, admeasuring 217.5, 121.34, 252.08 and $(317 + 54 = 371)$ square yards respectively, situated in Survey Numbers 140, 213, 213, and 142 respectively, all of Rekurthy Village and Gram Panchayat, Karimnagar Mandal and District and Zilla Parishad Karimnagar, now within Municipal Corporation of Karimnagar, by setting aside the proceedings of the 7th respondent No. B/1582/2018 dated 26-07-2018, in the interest of justice

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 respondents herein to receive and admit the sale deed document of the first writ petitioner pertaining to her residential house bearing H.No.No.1-37/4/A/1 with a plinth area of 707 Sq.Feet, built over residential Plot bearing No. Nil (abutting H.No.1-38) admeasuring 151.25 square yards, situated in S.No.45 and sale deed documents of the writ petitioners 2 to 5 herein, pertaining to their open residential Plots bearing No. 94, 16-Southern Part, 7, 18 and 19-Western Part; admeasuring 217.5, 121.34, 252.08 and $(317+54=)$ 371 square yards respectively situated in Survey Numbers 140, 213, 213, and 142 respectively; all of Rekurthy Village and Gram Panchayat, Karimnagar Mandal and District and Zilla Parishad Karimnagar, now within Municipal Corporation of Karimnagar; as per section 71 of Indian Registration Act read with Rule 58 of T.S. Registration Rules; by suspending the proceedings of the 7th respondent No.B/1582/2018 dated 26-07-2018.

Counsel for the Petitioner(s):SRI SURENDRA DESAI

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.46642 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.7 in issuing the proceedings No.B/1582/2018, dated 26.07.2018 and consequential action of respondent No.4 in not receiving the sale deed for registration pertaining residential house bearing H.No.1-37/4/A/1 with a plinth area of 707 square feet, built over residential plot bearing No.Nil (abutting H.No.1-38) admeasuring 151.25 square yards, situated in S.No.45 of petitioner No.1; open residential plot bearing Nos.94, 16-southern part; 7; 18 & 19 -Western part; admeasuring 217.5, 121.34, 252.08 and (317+54) 371 square yards in survey Nos.140, 213, 213 and 142 respectively, of petitioner Nos.2 to 5 herein of Rekurthy Village and Gram Panchayat, Karimnagar Mandal and District and Zilla Parishad, Karimnagar, now within Municipal Corporation of Karimnagar, as arbitrary and illegal and consequently, set aside the aforesaid proceedings issued by respondent No.7, dated 26.07.2018.

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, Department of Revenue (Registration and Stamps), Secretariat, Burugula Ramakrishna Bhavan, Near Tank Bund, State Of Telangana, Hyderabad. -PIN 500021.
2. The Commissioner and Inspector General - of Registration and Stamps, Mojham Jahi, (M.J.)Market road, Near Karachi Bakery, Nampally, Hyderabad. 500017,
3. The District Registrar of Stamps and Assurances., Karimnagar.
4. The Sub-Registrar Gangadhara., Karimnagar District.
5. The District Collector, Karimnagar.
6. The Revenue Divisional Officer, Karimnagar.
7. The Tahasildar Kothapalli., Karimnagar District.
8. One CC to SRI SURENDRA DESAI Advocate [OPUC]
9. Two CCs to GP FOR STAMPS AND REGISTRATION ,High Court for the State of Telangana. [OUT]
10. Two CD Copies

HIGH COURT

MSKJ

DATED:30/12/2022

ORDER

WP.No.46642 of 2022

**WP IS DISPOSED OF
WITHOUT COSTS**

