

**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 HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 46673 OF 2022

Between:

1. Uppula Mahesh Kumar, S/o. Koteswar Rao Aged about 53 years , Occ. Business, R/o. H. No. 5-1-157/1, Krishna Nagar, N.T.P.C., Karimnagar, Karimnagar, District.
2. Gangipalli Lachaiah, S/o. Rajaiah, Aged about 57 years, Occ. Business R/o. Mailaram village and Benjanki Mandal, Karimnagar District.
3. Guduru Suresh, S/o. Gangaram Aged about 53 Years, Occ. Business, R/o Kombadpada Village, Beevandhi Mandal ,Thane District.
4. Salam Bin mohammed Barrawaz, S/o. Mohammed Bin Salmin Barrawaz, Aged about 34years, Occ. Business, R/o. H. No. 18-13-8/21, Rahamath colony, Bandlaguda , Hyderabad.
5. Manchikatla Kiran, S/o. Venkatesh, Aged about 34 years, Occ. Business, Vedhar Village, Ramagundam , Karimnagar District.
6. Salam Bin Mohammed Barrawaz, S/o. Mohammed Bin Salmin Barrawaz, Aged about 34years, Occ. Business, R/o. H. No. 18-13-8/21, Rahamath colony, Bandlaguda , Hyderabad.
7. Rehana Begum, W/o. Khaja Nayeem Uddin, Aged 47 years, Occ. Housewife R/o. H. No. 6-4-107, Kharkanagadda, Hussainpur, Karimnagar District
8. Salam Bin mohammed Barrawaz, S/o. Mohammed Bin Salmin Barrawaz, Aged about 34years, Occ. Business, R/o. H. No. 18-13-8/21, Rahamath colony, Bandlaguda , Hyderabad.
9. Yenugandula Rajamma, W/o. gangaramu Aged bout 65 years, Occ. Housewife, H.No. 1-5-128, Jagityal Karimnagar District.
10. Salam Bin mohammed Barrawaz, S/o. Mohammed Bin Salmin Barrawaz, Aged about 34years, Occ. Business, R/o. H. No. 18-13-8/21, Rahamath colony, Bandlaguda, Hyderabad.
11. Koduri Sagar, S/o. Komuraiah, Aged about 44 years, Occ. Business, H.No. 2-10-1186/22, Kamala Heights Appt, Jyothi Nagar, Karimnagar District.
12. Salam Bin Mohammed Barrawaz, S/o. Mohammed Bin Salmin Barrawaz, Aged about 52years, Occ. Business, R/o. Phoolbagh, Chandraiangutta, Charminar, Hyderabad.
13. Uttem Srinu, S/o. Kondaiah Aged about 35 years, Occ. Business R/o. 6-111, Ramadugu Village and Mandal, - Karimnagar District.

...Petitioners

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 and issuing challan for registration of the sale deed documents of the writ petitioners herein pertaining to their residential plots Under the guiso of said proceedings of the respondent No.7, as illegal, arbitrary and contrary to contrary to section 17 read with 22 A and section 71 of Indian Registration Act and consequently direct the respondents to receive and admit the sale deed documents of the writ petitioners 1 to 13 herein for registration over residential plot bearing No.12 and 13 (Part),3,No,No,5,No,No,No,2,No,52,No,No, which are Sy.Nos. 65,147 and 148, 118, 153,147 and 148, 153, 73, 153, 215, 153, 15, 153, 153, respectively of Rekurthy Village and Gram Panchayat, Kothapalli Mandal and Zilla Parishad and within Municipal Corporation and District Karimnagar, by setting aside the proceedings of the 7th respondent No. B/1582/2018 dated 26-07-2018.

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 7th respondent to receive and admit the sale deed documents of the the writ petitioners 1 to 13 herein for registration over residential plot bearing No.12 and 13 (Part),3,No,No,5,No,No,No,2,No,52,No,No, which are Sy.Nos. 65,147and148,118,153, 147and148,153,73,153, 215,153,15, 153,153, respectively of Rekurthy Village and Gram Panchayat, Kothapalli Mandal and Zilla Parishad and within Municipal Corporation and District Karimnagar; as per section 71 of Indian Registration Act; by suspending the proceedings of the 7th respondent No.B/1582/2018 dated 26-07-2018, pending disposal of the main writ petition in the interest of justice and pass

Counsel for the Petitioner: SRI. BABULU L

**Counsel for the Respondent No.1 to 7: AGP FOR STAMPS AND
REGISTRATION**

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.46673 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 and issuing the challan for registration of the sale deeds presented by the petitioners in respect of residential plots bearing Nos. 12 and 13 (part) 3, No, No, 5, No, No, No, 2, No, 52, No, No, which are in Survey Nos.65, 147 and 148, 118, 153, 147 and 148, 153, 73, 153, 215, 153, 15, 153, 153, respectively, situated at Rekurthy Village and Gram Panchayat, Kothapalli Mandal and Zilla Parishad within Municipal Corporation and District, 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.
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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.

//TRUE COPY//

SD/-A.V.S.PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Department of Revenue (Registration and Stamps), State Of Telangana, 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.
8. One CC to SRI. BABULU L 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

MSK.J

DATED:30/12/2022

ORDER



WP.No.46673 of 2022

WRIT PETITION IS DISPOSED OF WITHOUT COST