

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE
PRESENT**

**THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR
WRIT PETITION NO: 3525 OF 2023**

Between:

1. Khaja Arhaan Ahmed, S/o. Khaja Inkeshafuluddin Ahmed, Occupation. Business, R/o. H.No.5-6/176/A/1 Amity Park Sec-III, Ootpally, Shamshabad, Ranga Reddy District.
2. Qureishy Nisar Ahamed., S/o. Late Qureishy Kareem Basha, Occ. Business, R/o. H.No. 16-13-2, Teppukhan Street, Hindupur, Anantapur District, Andhra Pradesh 515201.

...PETITIONER

AND

1. The State of Telangana, Rep.by its Principal Secretary Department of Revenue (Stamps and Registration), Secretariat, Hyderabad.
2. The District Registrar, Karimnagar District, Karimnagar
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 appropriate Writ, order or direction more particularly one in the nature of Writ of MANDAMUS declaring the action of the respondents more particularly the 3 respondent in not receiving and rectification the documents of sale deeds in favour of petitioners by including Sy.No.153 situated at Rekurty Village, Kothapally Mandal, Karimnagar District in respect of the House bearing Nos, (a) 4-56/11/2/1/1/A1, to an extent of 412.61 sq. yards, (b) 4-56/11/2/1/2/A/1, to an extent of 412.61 sq. yards, (c) 4-56/11/2/1/3/A/1, to an extent of 412.61 sq. yards, (d) 4-56/11/2/1/4/A/1, to an extent of 412.61 sq. yards and (e) 4-56/11/2/1/5/A/1, to an extent of 412.61 sq. yards respectively situated at Rekurty Village, Kothapally Mandal, Karimnagar District., admeasuring total an extent of 2,064 Sq. yards, by the virtue of registered Sale deeds vide documents No. 5327/2022, No. 5328/2022, No.5329/2022, No.5330/2022, No.5331/2022 dated 06-09-2022 presented by the petitioners herein without there being any orders prohibiting the registration as arbitrary, illegal, capricious and violative of Article 300-A of the Constitution of India and consequently direct the respondents to receive and rectification of sale deeds of the above schedule properties by including Sy.No.153 situated at Rekurty Village, Kothapally Mandal, Karimnagar District and pass

IA NO: 1 OF 2023

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 to receive and rectification of registered sale deeds vide documents No. 5327/2022, No. 5328/2022, No.5329/2022, No.5330/2022, No.5331/2022 dated 06-09-2022 by including Sy.No.153 situated at Rckurty Village, Kothapally Mandal, Karimnagar District in the said sale deeds.

Counsel for the Petitioner(s):SRI. M/S AHMED LAW FIRM

Counsel for the Respondents: AGP FOR STAMPS AND REGISTRATION

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.3525 of 2023

ORDER:

Heard learned counsel for the petitioners and learned Assistant 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, register and release the documents submitted by the petitioners for registration in respect of Houses bearing Nos.4-56/11/2/1/1/A/1 to an extent of 412.61 sq. yards, 4-56/11/2/1/2/A/1 to an extent of 412.61 sq. yards, 4-56/11/2/1/3/A/1 to an extent of 412.61 sq. yards, 4-56/11/2/1/4/A/1 to an extent of 412.61 sq. yards and 4-56/11/2/1/5/A/1 to an extent of 412.61 sq. yards, respectively, totally admeasuring 2,064 sq. yards, in Survey No.153, by virtue of registered sale deeds vide document Nos.5327 of 2022, 5328 of 2022, 5329 of 2022, 5330 of 2022 and 5331 of 2022, dated 06.09.2022, situated at Rekurthy Village, Kothapally Mandal, Karimnagar District, the present writ petition.

3. The Assistant Government Pleader has stated that the respondents will follow the procedure contemplated under Section 71 of the Registration Act, 1908 (for short, 'the Act, 1908').

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 submissions coupled with the provision under Section 71 of the Act, 1908, this writ petition is disposed of directing the Registering Authority to receive, register and release the subject document, subject to the petitioners complying with the provisions of the Act, 1908 as well as the Indian Stamp Act, 1899. It will be open to the Registering Authority to refuse the document presented before him, if he has any objection, by duly assigning reasons in support of such decision and communicate the said decision to the petitioners. It is made clear that this Court has not expressed any opinion

on merits of the case as to the entitlement of the petitioners to get the subject document registered.

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

SD/- B. CHANDRA PRAKASH
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary Department of Revenue (Stamps and Registration), Secretariat, State of Telangana, Hyderabad.
2. The District Registrar, Karimnagar District, Karimnagar
3. The Sub-Registrar, Gangadhara, Karimnagar District.
4. One CC to SRI M/S AHMED LAW FIRM, Advocate [OPUC]
5. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies

HIGH COURT

MSK,J

DATED:08/02/2023



ORDER

WP.No.3525 of 2023

**WP IS DISPOSED
OF WITHOUT COSTS**