

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

(Special Original Jurisdiction)

**TUESDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE
PRESENT**

**THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR
WRIT PETITION NO: 3307 OF 2023**

Between:

Saleem Khan, S/o Suleman Khan, Occ. Business, R/o H.No.7-1-166, Mankammthota,
Karimnagar.

...PETITIONER

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 MANDAMUS declaring the action of the 3rd respondent in refusing to receive the document of the petitioner property admeasuring 400 sq. yards in Sy.No.53 situated at Rekurthy, Karimnagar without assigning reasons, respectively 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 document presented by the petitioner for registration in respect of the aforesaid plot for the total extent or part thereof

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 3rd respondent forthwith to receive, register and release the document presented by the petitioner for registration in respect of the property of the petitioner admeasuring 400 sq. yards in Sy.No.53 situated at Rekurthy, Karimnagar without assigning reasons, respectively, for the total extent or part thereof,

Counsel for the Petitioner(s):SRI. SATHISH REDDY SURUKANTI

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.3307 of 2023

ORDER:

Heard learned counsel appearing for the petitioner and learned Assistant Government Pleader for Stamps and Registration appearing for the respondents. With the consent of both the learned counsel, the writ petition is disposed of at the stage of admission.

2. This Writ Petition is filed seeking a writ of Mandamus to declare the action of respondent No.3 in refusing to receive, register and release the subject document presented by the petitioner for registration in respect of property admeasuring 400 square yards in Survey No.53 situated at Rekurthy, Karimnagar, without assigning any reasons, as arbitrary and illegal.

3. Learned counsel for the petitioner 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 Assistant 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 receive, register and release the subject document submitted by the petitioner subject to the petitioner 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 document 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 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.

SD/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The 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.
4. One CC to SRI. SATHISH REDDY SURUKANTI, 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:07/02/2023



ORDER

WP.No.3307 of 2023

**WP IS DISPOSED OF
WITHOUT COSTS**