

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

THURSDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 3644 OF 2023

Between:

Potta Ravi Kumar, S/o. Saamaiah, Aged about 33 Years, Occ. Business, R/o.
H.No.6-350/30, Krishna Colony, Talepally, Naspur, Mancheria District

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary Revenue (Stamps and Registration), Secretariat, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Telangana, Hyderabad.
3. The Sub-Registrar, Mancheria, Mancheria 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 any writ order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondent No.3 in receiving, registering and releasing the sale deeds presented by the petitioner in respect of his agricultural land in Sy.No. 164/E/4/1, to extent of 0.1500 Gts, Situated at Mancheria Village and Mandal, Mancheria District as illegal, arbitrary and one without jurisdiction and to consequently direct the respondent No.3 to receive, register and release the sale deeds presented by the petitioner in respect of his agricultural, land, Sy.No. 164/E/4/1, to extent of 0.1500 Gts, Situated at Mancheria Village and Mandal, Mancheria District.

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 respondent No.3 to receive, register and release the sale deeds presented by the petitioner in respect of his agricultural land Sy.No. 164/E/4/1, to extent of 0.1500 Gts, Situated at Mancherla Village and Mandal, Mancherla District pending disposal of the above writ petition.

Counsel for the Petitioner: SRI R.MANGULAL

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.3644 of 2023

ORDER:

Heard learned counsel for the petitioner 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 subject document presented by the petitioner for registration in respect of agricultural land in Survey No.164/E/4/1 to an extent of 0.1500 guntas, situated at Mancherial Village and Mandal, Mancherial District, the petitioner filed the present writ petition.

3. Learned 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 petitioner 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 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/-G.SIREESHA
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

- To
1. The Principal Secretary Revenue (Stamps and Registration), Secretariat, Hyderabad, State of Telangana.
 2. The Commissioner and Inspector General of Registration and Stamps, Telangana, Hyderabad.
 3. The Sub-Registrar, Mancheri, Mancheri District.
 4. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana, at Hyderabad. [OUT]
 5. One CC to SRI R.MANGULAL, Advocate [OPUC]
 6. Two CD Copies

PSK.

BS

HV+

HIGH COURT

DATED:09/02/2023

ORDER

WP.No.3644 of 2023



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

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6/3/23
HVS