

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

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

PRESENT

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 4752 OF 2023

Between:

Amatur Rafe Ataka, W/o Late. Ahmed Waliullah, aged about 66 years, Occ ; House wife, R/o H.No.16-7-335/1, Azampura, Behind Sahifa Masjid, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, rep by its Prl. Secretary, (Revenue) Stamps and Registration Department Secretariat Buildings, Saifabad, Hyderabad
2. The Commissioner and Inspector General of Stamps and Registration, Mozamjahi Market, Hyderabad.
3. The District Registrar, Stamps and Registration Dept., Malakpet at Hyderabad.
4. The Sub Registrar of Stamps and Registration, Azampura, Office at Moosarambagh, Malakpet, Hyderabad.
5. Mir Zia-ur-Rahman Ali, S/o Mir Khalifat-ur-Rahman Ali, aged about 43 years, Occ ; Business, R/o Flat No. 402 Uroosa Apartment, Azampura, Hyderabad.

...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 a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of respondent No.-4 in the Registering Development Agreement cum Power of Attorney vide document No. 8829 of 2021, dt.31/10/2021, executed by the petitioner in favour of the 5th respondent herein which was registered by the 4th Respondent without conducting proper enquiry as illegal and arbitrary with regard to plot No.20, Admeasuring 932 Sq. Yards, equivalent to 779.15 Sq. Meters, situated at Azampura Back side of Masjid a Sahifa Hyderabad, and consequently direct the respondents to cancel the Development Agreement cum Power of Attorney vide document. No. 8829 of 2021 dt.31/10/2021 in favour of the 5th respondent herein.

I.A.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 issue a direction, directing the 4th respondent herein to conduct an enquiry on the regd., Doc No.8829 of 21, dt.31/10/2021 and cancel the same as null and void in the interest of justice, pending disposal of the main writ petition.

Counsel for the Petitioner : SRI.P.KRISHNA KEERTANA

Counsel for the Respondent Nos.1 to 4 : GP FOR REVENUE

Counsel for the Respondent No.5 : ---

The Court made the following ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.4752 of 2023

ORDER:

Heard learned counsel for the petitioner Mrs. P. Krishna Keertana, and learned Assistant Government Pleader for Stamps and Registration appearing for the respondents.

2. This writ petition is filed seeking a writ of mandamus to declare the action of the Sub Registrar - respondent No.4 in registering the Development Agreement-cum-Power of Attorney, dated 31.10.2021, vide document No.8829 of 2021 executed by the petitioner in favour of respondent No.5 herein, as illegal and arbitrary.

3. It is the case of the petitioner that respondent No.5 herein, who happens to be the son-in-law of the petitioner, misrepresented the facts to the petitioner and took her to the office of respondent No.4, on the pretext that he is transferring the property from her mother's name on to the name of the petitioner herein, and obtained her signatures on the Development Agreement-cum-Power of Attorney, dated 31.10.2021, without the knowledge of the petitioner. The petitioner claims to have come to know about the same only when respondent No.5 got issued a legal notice, dated 10.01.2023, and

immediately the petitioner filed a complaint before the Inspector of Police, Chaderghat Police Station, East Zone, Hyderabad, and also submitted a representation before respondent No.4 and thereafter filed the present writ petition seeking the relief, as noted above.

4. It is an undisputed fact that the petitioner herein executed the Development of Agreement-cum-Power of Attorney in question, however, at the instance of respondent No.5 on alleged misrepresentation of facts and because of the fraud alleged to have been played by the respondent No.5. It is the contention of learned counsel for the petitioner that respondent No.4, while entertaining registration of any document, is under obligation to verify as to whether the property, which is sought to be registered, can be executed or not and further contended that originally, the subject property is standing in the name of the mother of the petitioner and without there being transfer of the property in the name of the petitioner, respondent No.4 cannot entertain registration of the document in question. Thus, it is contended that, the respondent No.4 failed to discharge his duties while entertaining registration of the document in question.

5. This Court, having heard learned counsel for the petitioner and after having perused the material on record, is of the considered view that the main grievance of the petitioner is

against the action of respondent No.5, who is alleged to have misrepresented the facts and played fraud against the petitioner herein. If that be the case, it is for the petitioner to institute appropriate civil proceedings with appropriate pleadings and establish the alleged fraud and then succeed. But, under no circumstances, respondent No.4 can be found fault for registering the document executed by the petitioner as to whether the petitioner executed the document under misrepresentation of facts or otherwise or the same can be dealt with by this Court while exercising jurisdiction under Article 226 of the Constitution of India.

6. In the circumstances, this Court is not inclined to entertain the writ petition and the same is accordingly dismissed. However, it is left open to the petitioner to take appropriate steps against the alleged fraud and misrepresentation played by respondent No.5, i.e., getting the document in question registered in his favour, by initiating appropriate proceedings in accordance with law. There shall be no order as to costs.

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

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

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SECTION OFFICER

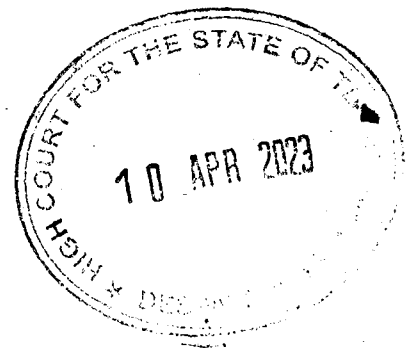
To

1. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
2. One CC to SRI.P.KRISHNA KEERTANA, Advocate [OPUC]
3. Two CD Copies

**SA
SW**

HIGH COURT

DATED:21/02/2023



ORDER

WP.No.4752 of 2023

**DISMISSING THE W.P
WITHOUT COSTS.**

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BSK
24/3/23-