

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

WEDNESDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 27594 OF 2023

Between:

Smt.B.Raja Rajeshwari, W/o Late S.Bhaskar Narayana aged about 59 year Occ.
service R/o H.No. 30-147/50, Simhadri nagar, Safilguda, Malkajgiri, Hyderabad

...PETITIONER

AND

1. State of Telangana, rep by its Principal Secretary, Revenue Department Secretariat, Hyderabad.
2. The Sub Registrar, Malkajgiri, Medchal Malkajgiri District
3. The Telangana state wakf Board, Rep by its Chief Executive Officer Nampally, 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 to declare the action of the respondents particularly the 2nd respondent in refusing to receive, register and release the sale deed in respect of house bearing No. 29-1442/34, PITN No. 1170606586 on plot No. 34 in survey No. 289 & 290 extent 108 sq.yards with consisting of G+2 floors situate at JK Colony, Neredmet under Greater Hyderabad Municipal Corporation Malkajgiri circle and Mandal, Medchal Malkajgiri District as illegal arbitrary against the provisions of Registration Act and against the settled principle of law and consequently direct the 2nd respondent to receive, register and release the sale deed in respect of the above property

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 2nd respondent forthwith to receive, register and release the sale deed in respect of

house bearing No. 30-647/7/50, PTIN No. 1170870042 on extent 100 sq. yards out of 200 sq yards with plinth area of 2100 sft (G+2 floors each flr 700 sft) on part of plot No. 50 in survey No. 461, 462, and 463 situated at Simhadri Nagar, Old Safilguda, Malkajgiri, under Greater Hyderabad Municipal corporation Malkajgiri circle and Mandal, Medchal Malkajgiri district

Counsel for the Petitioner: SRI. G. MADHUSUDHAN REDDY

Counsel for the Respondent Nos. 1&2: AGP FOR STAMPS AND REGISTRATION

**Counsel for the Respondent No.3 : SRI FARHAN AZAM KHAN,
SC FOR TELANGANA STATE WAKF BOARD**

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE C. V. BHASKAR REDDY

WRIT PETITION NO.27594 OF 2023

ORDER:

Heard Sri G.Madhusudhan Reddy, learned counsel for the petitioner, learned Assistant Government Pleader for Stamps and Registration, who is representing respondent Nos.1 and 2 and Sri Farhan Azam Khan, learned Standing Counsel for Telangana State Wakf Board, who is representing respondent No.3.

2. Aggrieved by the action of the Registering Authority in refusing to register and release the sale deed presented by the petitioner for registration in respect of house bearing No.30-647/7/50, PTIN No.1170870042 on extent 100 square yards out of 200 square yards with plinth area of 2100 sft (G+2 floors each flr 700 sft) on part of Plot No.50 in Survey No.461, 462 & 463 situated at Simhadri Nagar, Old Safilguda, Malkajgiri, under GHMC Malkajgiri Circle and Mandal, Medchal-Malkajgiri District, the present Writ Petition is filed.

3. Learned counsel for the petitioner submits that the Sale deed presented by the petitioner for registration was not entertained

by the Registering Authority for the reasons best known to it. Learned counsel also states that no reasons were assigned for not entertaining the document that is presented for registration by the petitioner, which is against the provisions of the Registration Act, 1908 and therefore, a direction to the appropriate authority to entertain the document for registration may be issued.

4. Learned Assistant Government Pleader for Stamps and Registration states that in case the subject property is not in the prohibitory list, the Registering Authority would certainly receive and register the document and necessary orders in that regard may be given.

5. Learned Standing Counsel for the Telangana State Waqf Board submits that the property in question appears to be in the prohibitory list falling within the ambit of Section 22-A of the Registration Act, 1908 and therefore, necessary directions may be issued to the Sub-Registrar concerned to verify and proceed with.

6. Section 71 of the Registration Act, 1908, 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 situate within his sub-district, shall make an order of refusal and record 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."

7. The Registering Authority is not empowered to refuse registration of document/s except under the circumstances mentioned under the Registration Act, 1908 and the Rules made thereunder. Also, as per the version of the petitioner, no reasons were assigned for not entertaining the document which was presented for registration by her. Therefore, this Court is of the view

that directions, as prayed for, have to be given to the Public Authority directing it to perform its function as required under law.

8. In the said circumstances, this Writ Petition is disposed of directing respondent No.2-Registering Authority to receive and register the document presented by the petitioner in respect of the subject property, in case, the subject property is not present in the prohibitory list and the document presented is in consonance with the provisions of the Registration Act, 1908, and the Indian Stamp Act, 1899. The Registering Authority can refuse to register the document in case the document is prohibited for registration under any of the provisions of law, Rules or Regulations made thereunder. However, the reasons assigned thereof and the decision taken shall be communicated to the petitioner in writing. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department Secretariat, T.S., Hyderabad.
2. The Sub Registrar, Malkajgiri, Medchal Malkajgiri District
3. The Chief Executive Officer Telangana state wakf Board, Nampally, Hyderabad.
4. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana, at Hyderabad [OUT]
5. One CC to SRI. FARHAN AZAM KHAN, SC FOR WAKF BOARD [OPUC]
6. One CC to SRI. G. MADHUSUDHAN REDDY, Advocate [OPUC]
7. Two CD Copies

B M
GJP

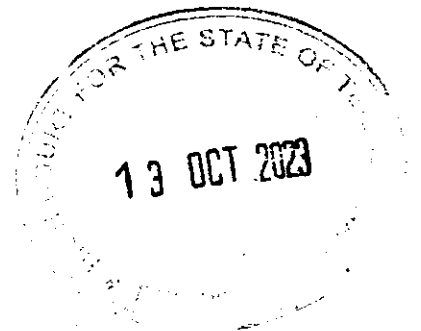


HIGH COURT

DATED:04/10/2023

ORDER

WP.No.27594 of 2023



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

10
MEMS
18/10/2023