

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

**TUESDAY, THE TWELFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HON'BLE SRI JUSTICE N. V. SHRAVAN KUMAR

WRIT PETITION NO: 33452 OF 2023

Between:

Thota Mallaiah, S/o Lingaiah, age 49 years, Occ. Business, R/o H.No.10-2-475/1, Kothiyaswada, 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 Writ of MANDAMUS declaring the action of the 3rd respondent in refusing to receive and register the document presented by the petitioner with regard to the land bearing Sy.No.80 admeasuring 220 sq. Yards situated at Rekurthy Village of Kothapally Mandal of Karimnagar District without assigning reasons 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, register and release the document by entertaining any sort of transfer of property namely Gift Deed or any type of transfer presented by the petitioner in respect of the aforesaid 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 direct the 3rd respondent forthwith to receive, register and release the document by entertaining any sort of transfer of property namely Gift Deed or any type of transfer presented by the petitioner in respect of the land bearing Sy.No.80 admeasuring 220 sq. Yards situated at Rekurthy Village of Kothapally Mandal of Karimnagar District, pending disposal of the writ petition

Counsel for the Petitioner: SRI RAVINDER REDDY SINGI REDDY

Counsel for Respondents: GP FOR STAMPS AND REGISTRATION

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.33452 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. This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, wherein the following prayer is made:

"....to declare the action of 3rd respondent in refusing to receive and register the document presented by the petitioner with regard to the land bearing Sy.No.80 admeasuring 220 Sq.Yards situated at Rekurthy Village of Kothapally Mandal of Karimnagar District without assigning reasons 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, register and release the document by entertaining any sort of transfer of property namely gift deed or any type of transfer presented by the petitioner in respect of the aforesaid property and to pass such other and further order...."

3. Learned Assistant Government Pleader has stated that the respondents will follow the procedure contemplated under

Section 71 of the Indian Registration Act, 1908 (for short, 'the Act').

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 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"

4. Learned counsel for the petitioner has fairly acceded the same.

5. Recording the above submission made by learned counsel on either side and without expressing any opinion on the merits of the case, this Writ Petition is disposed of directing the Registering Authority to receive, register and release the subject document(s), in respect of the land admeasuring 220 square yards in Sy.No.80 situated at Rekurthy Village of Kothapally Mandal of Karimnagar District,

presented by the petitioner, as expeditiously as possible, preferably within a period of three (03) weeks from the date of receipt of a copy of this order, subject to the petitioner complying with the provisions of the Indian Registration Act, 1908, and Indian Stamps Act, 1899. It is also open to the Registering Authority to refuse to register the documents, but the registering authority has to specifically assign the reasons in terms of Section 71 of the Act and communicate the said decision to the petitioner. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

**SD/- P.Ch. NAGABHUSHAMBA
ASSISTANT REGISTRAR**

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SECTION OFFICER

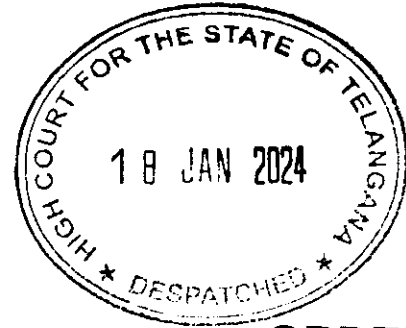
- To,
1. The District Registrar of Assurances Registration and Stamps Department, Karimnagar Town and District Karimnagar, Telangana
 2. The Sub Registrar, Gangadhara, Karimnagar District.
 3. One CC to Sri Ravinder Reddy Singi Reddy Advocate [OPUC]
 4. Two CCs to GP For Stamps And Registration ,High Court for the State of Telangana. [OUT]
 5. Two CD Copies

MBC
GJP

§

HIGH COURT

DATED: 12/12/2023



ORDER

WP.No.33452 of 2023

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

8 Copies

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12/1/24