

HIGH COURT FOR THE STATE OF TELANGANA ✓
AT HYDERABAD ✓
(Special Original Jurisdiction)
FRIDAY, THE TWENTIETH DAY OF JANUARY ✓
TWO THOUSAND AND TWENTY THREE ✓
PRESENT

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR ✓
WRIT PETITION NO: 42212 OF 2022

Between:

M/s Marvel Infra, Rep by its Managing Partner Pallala Krishna Reddy S/o P.Venkateswarlu , Occ. Business R/o Plot NO.1368 and 1369, Flat No.102, Sri Sai Crystal Residency, Pragathi Nagar, Nizampet, Medchal-Malkajgiri District.

...PETITIONER

AND

1. State of Telangana, Represented by its Principal Secretary, Revenue (Stamps and Registration) Department, Secretariat Buildings Secretariat, Hyderabad.
2. The Inspector General (Stamps and Registration), State of Telangana, Hyderabad.
3. The Joint Sub Registrar-II,(RO (OB), O/o The District Registrar, Ranga Reddy 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 a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent impugned order bearing Refusal Order No.138/2022 Dated . 07.10.2022 as it being arbitrary, illegal, unjustified and in violation of the provisions of the Registration Act 1908 and also contrary to the principles held by this Hon'ble High Court in W.P.No.16272/2019 Dated.23.2.2021 consequently direct the respondent NO.3 to register and release the document No. P. 1027/2022 pertaining to the subject property, forthwith.

IA NO: 1 OF 2022

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 suspend the impugned order of the 3rd respondent bearing Refusal Order No.138/2022 Dated . 07.10.2022 and consequently direct the respondent NO.3 to register and release the document No. P. 1027/2022.

Counsel for the Petitioner: SRI. S SYAMSUNDER RAO

Counsel for the Respondents: GP FOR STAMPS AND REGISTRATION

The Court made the following:

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR
WRIT PETITION No.42212 OF 2022

ORDER:

This Writ Petition is filed questioning the refusal order No.138/2022, dated 07.10.2022, passed by respondent No.3, refusing to register the document presented for registration i.e., Development Agreement-cum-General Power of Attorney, executed in favour of the petitioner herein on the ground that the said document is based on the validated document as a link document and the relevant portion from the refusal order, reads as under: -

"The document is based on the validated document as a link document and validated document cannot be taken as a Link Document Vide Endt.No.CIG.Mail/AR/2008 dated 02.01.2008 and same was not registered under Section 17 of Registration Act.(Compulsorily registerable document).

Hence the registration of the document is refused under Section 17 of Registration Act read with C&IG.Mail/AR/2008 Dated 02-01-2008."

2. In the recent Judgment, in the case of **P.Bala Bhaskar Reddy v. State of Telangana**¹ this Court has considered the similar aspect as to whether the Registering Authorities are entitled or empowered to refuse registration of a document on the ground that the link document referred to therein is a

¹ W.P.Nos.16310 of 2019 and batch

validated document, but not a registered document and held as under: -

"In the light of the above, this Court is unhesitant to hold that the respondent registering authorities are not entitled to refuse registration of a document on the ground that the link document referred to in the respective document is a validated document or to refuse registration of such document by placing reliance on endorsement, dated 02.01.2008, issued by the Commissioner and Inspector General of Stamps and Registration. Accordingly, the impugned orders in the respective Writ Petitions are set aside and Writ Petitions are allowed with a further direction to the respondent registering authorities to receive the returned documents and to process the same subject to the condition of the said documents complying with the provisions of the Registration Act, 1908 and the Indian Stamp Act, 1899."

3. In the light of the Judgment of this Court referred to above, the impugned refusal order is set aside and the Writ Petition is allowed with a direction to respondent No.3 to receive the returned document i.e., P.1027/2022 and process the same for registration subject to condition of the said document complying with the requirements of the Registration Act, 1908 and Indian Stamp Act, 1899, within a period of two (02) weeks from the date of presentation of the said document.

4. Accordingly, the Writ Petition is allowed. No costs.

5. As a sequel, miscellaneous petitions, pending if any in this Writ Petition, shall stand closed.

SD/-MOHD.SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Stamps and Registration) Department, Secretariat Buildings Secretariat, State of Telangana, Hyderabad.
2. The Inspector General (Stamps and Registration), State of Telangana, Hyderabad.
3. The Joint Sub Registrar-II, (RO (OB), O/o The District Registrar, Ranga Reddy District
4. One CC to SRI. S SYAMSUNDER RAO 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:20/01/2023

ORDER

WP.No.42212 of 2022

**WRIT PETITION
IS ALLOWED
WITHOUT COSTS**

