

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

THURSDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 34427 OF 2023

Between:

1. Durgam Latha, W/o: Late Durgam Shankaraiah, Aged 47 years, Occ. Housewife,
 2. Durgam Rajasekhar, S/o: Late Durgam Shankaraiah Aged 28 years, Occ. Business,
 3. Durgam Bhakser, S/o: Late Durgam Shankaraiah, Aged 23 years, Occ. Business,
 4. Durgam Lingaiah, S/o: Lingaiah, Aged 80 years, Occ. Business,
- All are R/o 3-75, Pathawada, Rekurthy, Karimnagar.

...PETITIONERS

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 petitioners with regard to the land bearing Sy.No.205 admeasuring 3630 sq. Yds (0-30 gts) 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 presented by the petitioner in respect of the aforesaid property as the petitioners obtained permission for construction of house from the Gram Panchayat, Rekurthy vide No.GP/RKT/162/2018 dated 19-05-2018, GP/RKT/163/2018 dated 19-05-2018 and GP/RKT/164/2018 dated 19-05-2018 in Sy.No.205 of Rekurthy Village, Kothapally Mandal, Karimnagar 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 3rd respondent forthwith to receive, register and release the document presented by the petitioner in respect of the land bearing Sy.No.205 admeasuring 3630 sq. Yds (0-30 gts) situated at Rekurthy Village of Kothapally Mandal of Karimnagar District, as the petitioners obtained permission for construction of house from the Gram Panchayat, Rekurthy vide No.GP/RKT/162/2018 dated 19-05-2018, GP/RKT/163/2018 dated 19-05-2018 and GP/RKT/164/2018 dated 19-05-2018 in Sy.No.205 of Rekurthy Village, Kothapally Mandal, Karimnagar District, pending disposal of the writ petition.

Counsel for the Petitioners: SRI RAVINDER REDDY SINGI REDDY

Counsel for the Respondents: AGP FOR STAMPS AND REGISTRATION

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE C.V.BHASKAR REDDY

WRIT PETITION No.34427 of 2023

ORDER:

Heard learned counsel for the petitioners 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 document presented by the petitioners for registration in respect of land admeasuring 3630 square yards (0-30 guntas) in Survey No.205, situated at Rekurthy Village of Kothapally Mandal of Karimnagar District, though the petitioners obtained permission for construction of house from the Gram Panchayat, Rekurthy vide No.GP/RKT/162/2018 dated 19.05.2018, GP/RKT/163/2018, dated 19.05.2018 and GP/RKT/164/2018, dated 19.05.2018, the petitioners filed the present Writ Petition.

3. Learned counsel for the petitioners submits that the document presented by the petitioners 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 was presented for registration by the petitioners, 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 submits that necessary orders in that regard may be given.

5. 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.”

6. 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 petitioners, no reasons were assigned for not entertaining the document, which was presented for registration by them.

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.

7. In the said circumstances, this Writ Petition is disposed of directing respondent No.3-Registering Authority to receive, process and register the document presented by the petitioners in respect of the subject property, in case, the said document comply 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 said 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 petitioners in writing. There shall be no order as to costs.

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

//TRUE COPY//

SD/- G. SIREESHA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Sub Registrar, Gangadhara, Karimnagar District.
2. One CC to Sri Ravinder Reddy Singi Reddy, Advocate [OPUC]
3. Two CCs to GP for Stamps And Registration, High Court for the State of Telangana, at Hyderabad [OUT]
4. Two CD Copies

T J
GJP

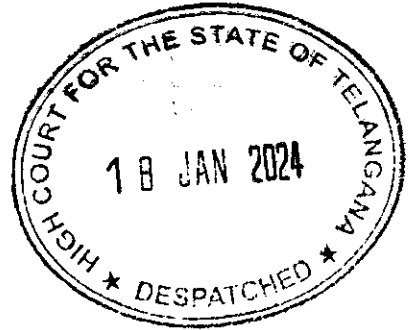
N. J.

HIGH COURT

DATED:21/12/2023

ORDER

WP.No.34427 of 2023



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

⑧ mv
18/1/24