

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

FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 34972 OF 2023

Between:

Bandipalli Devakka @ Devamma, W/o Lakshmanaswamy, Hindu aged about 78 years, Occ. House Hold, R/o H.No.2-40, Narayanpur Village. Gangadhara Mandal. Karimnagar District

...WRIT PETITIONER

AND

1. THE STATE OF TELANGANA, Represented by its Principal Secretary, Department of Revenue (Registration and Stamps), Secretariat. Burugula Ramakrishna Bhavan, Near Tank Bund, Hyderabad.-PIN 500021.
2. The Commissioner and Inspector General - of Registration and Stamps, Mojham Jahi, (M.J.)Market road, Near Karachi Bakery, Nampally, Hyderabad. 500017.
3. The District Registrar of Stamps and Assurances, Karimnagar District. At Karimnagar.
4. The Sub-Registrar, Gangadhara. Karimnagar District.
5. The District Collector, Karimnagar District. At Karimnagar.
6. The Revenue Divisional Officer, Karimnagar.
7. The Tahasildar, Kothapalli Mandal. 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 writ order or direction more particularly one in the nature of writ of Mandamus declaring proceedings of the 7th respondent No. B/1582/2018 dated 26-07-2018 and consequential action of the respondent No.4 in not receiving and issuing challan for registration of sale deed document of the writ petitioner herein executed over residential plot purchased vide Sale Deed document No.5671/1995 dated 07-10-1995, under the guise of said proceedings of the respondent No.7, as illegal, arbitrary and contrary to section 17, 22 A and section 71 of Indian Registration Act read with Rule 58 of T.S.(A.P.) Registration Rules, and consequently direct the respondents, to receive and admit Sale deed document of the writ petitioner herein pertaining to his

residential plot bearing No.NIL admeasuring 242 Sy. Yards situated in Sy.No.58. of Rekurthy Village and Gram Panchayath, Kothapalli Mandal and District and Zilla Parishad Karimnagar and now within Municipal Corporation of Karimnagar. by setting aside the proceedings of the 7th respondent No. B/1582/2018 dated 26-07-2018. in the interest of justice

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 respondents herein to receive and admit the Sale deed document of the writ petitioner herein pertaining to his residential plot bearing No.NIL admeasuring 242 Sy. Yards situated in Sy.No.58. of Rekurthy Village and Gram Panchayath, Kothapalli Mandal and District and Zilla Parishad Karimnagar and now within Municipal Corporation of Karimnagar as per section 71 of Indian Registration Act. by suspending the proceedings of the 7th respondent No.B/1582/2018 dated 26-07-2018, pending disposal of the main writ petition in the interest of justice

Counsel for the Petitioner: M/s. SURENDRA DESAI

Counsel for the Respondent Nos. 1,5,6&7: GP FOR REVENUE

Counsel for the Respondent No.2,3,4: AGP FOR STAMPS AND REGISTRATION

The Court at the admission stage made the following: ORDER

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.34972 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 is filed seeking the following relief:

"to declaring proceedings of the 7th respondent No.B/1582/2018, dated 26.07.2018 and consequential action of the respondent No.4 in not receiving and issuing challan for registration of sale deed document of the writ petitioner herein executed over residential plot purchased vide Sale Deed document No.5671/1995, dated 07.10.1995 under the guise of said proceedings of the respondent No.7 as illegal arbitrary and contrary to contrary to section 17, 22-A and section 71 of Indian Registration Act read with Rule 58 of TS(AP) Registration Rules and consequently direct the respondents to receive and admit Sale deed document of the writ petitioner herein pertaining to his residential plot bearing No NIL admeasuring 242 Sy Yards situated in Sy No.58 of Rekurthy Village and Gram Panchayath Kothapalli Mandal and District and Zilla Parishad Karimnagar and now within Municipal Corporation of Karimnagar by setting aside the proceedings of the 7th respondent No B/1582/2018, dated 26.07.2018"

3. Learned Assistant Government Pleader for Stamps and Registration has stated that the respondents will follow the

procedure contemplated under Section 71 of the Registration Act, 1908 (for short, 'the Act, 1908').

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 situated 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), 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 Registration Act, 1908, and Indian Stamp Act, 1899. It is also open to the Registering Authority to refuse to register the documents by specifically assigning the reasons in terms of Section 71 of the Act, 1908 and communicate the said decision to the petitioner.

6. Accordingly, this Writ Petition is disposed of.

Miscellaneous applications, if any pending, shall stand closed. No order as to costs.

//TRUE COPY//

SD/- T.JAYASREE
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Department of Revenue (Registration and Stamps), Secretariat, Burugula Ramakrishna Bhavan, Near Tank Bund, Hyderabad.- PIN 500021.
2. The Commissioner and Inspector General - of Registration and Stamps, Mojham Jahi, (M.J.) Market road, Near Karachi Bakery, Nampally, Hyderabad. 500017.
3. The District Registrar of Stamps and Assurances, Karimnagar District, At Karimnagar.
4. The Sub-Registrar, Gangadhara. Karimnagar District.
5. The District Collector, Karimnagar District. At Karimnagar.
6. The Revenue Divisional Officer, Karimnagar.
7. The Tahasildar, Kothapalli Mandal. Karimnagar District.
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad [OUT]
9. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana, at Hyderabad [OUT]
10. One CC to M/s. SURENDRA DESAI, Advocate [OPUC]
11. Two CD Copies

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HIGH COURT

DATED:29/12/2023

ORDER

WP.No.34972 of 2023



**DISPOSING OF THE WRIT PETITION AT THE
ADMISSION STAGE WITHOUT COSTS**

(15)

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5/1/24