

**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: 35034 OF 2023

Between:

Smt.Nafees Sultana, W/o.Mohd Farooq, Aged about 47 years, Occ ;House wife,
R/o.H.No.3-7-347, Vavilalapally, Karimnagar & District.

.....PETITIONER

AND

1. The State of Telangana, Department of Revenue (Stamps and Registration), Secretariat Buildings Hyderabad, Rep.by its Principal Secretary.
2. The District Registrar of Assurance, Stamps and Registration Department at Karimnagar Town and District.
3. The Sub-Registrar, Gangadhara Karimnagar District.
4. The Tahsildar/Mandal Revenue officer, Kothapally Revenue 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 a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of 3rd respondent/Sub-Registrar in refusing to receive and register documents presented in respect of property in Sy.No.62, Plot bearing No.6 to an extent of 194.00 Sq.Yds, situated at Rekurthi village, Karimnagar Mandal and District basing upon a invalid communication dated 28-07-2018 of the 2nd respondent as wholly illegal, unjust, untenable, unconstitutional and/or jurisdiction violative of Article 300-A of constitution of India, human rights, as well the provisions of Registration Act,1908 without any Notification and 3rd respondent is refusing to received and register the documents which is highly unjust and it amounts to depriving the enjoyment of

direct the 3rd respondent to receive and register the sale deeds presented in respect of the aforementioned property.

I.A.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 to receive and process the Document presented for registration of sale deed in respect of the property in Sy.No.62, Plot No.6 to an extent of 194.00 Sq.Yds in situated at Rekurthi Village, Karimnagar Mandal and District pending disposal of the above writ petition.

Counsel for the Petitioner : SRI SRINIVASA RAO PUTLURI

Counsel for the Respondents : AGP FOR REVENUE

The Court made the following ORDER

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.35034 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 declare the action of 3rd respondent/SubRegistrar in refusing to receive and register documents presented in respect of property in Sy No.62 plot bearing No.6 to an extent of 194.00 Sq Yds situated at Rekurthi village, Karimnagar Mandal and District basing upon a invalid communication dated 28.07.2018 of the 2nd respondent as wholly illegal unjust untenable unconstitutional and/or jurisdiction violative of Article 300-A of constitution of India human rights as well the provisions of Registration Act 1908 without any notification and 3rd respondent is refusing to received and register the documents which is highly unjust and it amounts to depriving the enjoyment of direct the 3rd respondent to receive and register the sale deeds presented in respect of the aforementioned property."

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.

SD/- A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

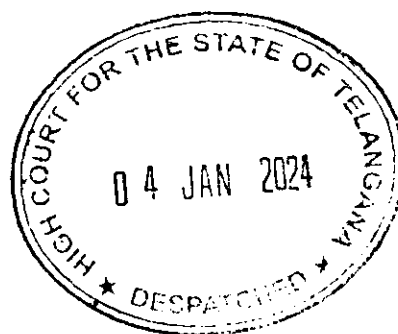
1. The Principal Secretary, Department of Revenue (Stamps and Registration), Secretariat Buildings State of Telangana at Hyderabad.
2. The District Registrar of Assurance, Stamps and Registration Department at Karimnagar Town and District.
3. The Sub-Registrar, Gangadhara Karimnagar District.
4. The Tahsildar/Mandal Revenue officer, Kothapally Revenue Mandal, Karimnagar District.
5. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
6. One CC to Sri Srinivasa Rao Putluri, Advocate [OPUC]
7. Two CD Copies

SA
GJ



HIGH COURT

DATED:29/12/2023



ORDER

WP.No.35034 of 2023

**DISPOSING OF THE W.P
WITHOUT COSTS**

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