

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

[3256]

WEDNESDAY, THE ELEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 45911 OF 2022

Between:

Abdul Raheem,, S/o Abdul Rasheed, Aged about 60 years, Occ
Retd.Employee, R/o H.No.6-38/ 1, Errakunta, Kothapet, Ranga Reddy
District.

...PETITIONER

AND

1. THE STATE OF TELANGANA,, Rep by its Principal Secretary, Revenue
Department (Stamps and Registration), Secretariat, Hyderabad
2. THE DISTRICT REGISTRAR,, Hyderabad District, at Hyderabad
3. THE SUB REGISTRAR,, Azampura, Hyderabad

...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 pass an order, direction or writ more particularly one in the nature of writ of mandamus declaring action of the Respondent No.3 in refusing to receive, register and release the Gift Deeds, Both Dated 14.11.2022 presented by the Petitioner in respect of (1) Portion of House bearing Municipal No.16-2-141/A, admeasuring 3866.56 sq.yds or 3232.91 sq.mts out of 7733.13 sq.yds in T.S.No.16, Block-I, Ward 176 (Part of Old Sy.No.138),situated at Malakpet, Hyderabad (2) Portion of House bearing Municipal No.16-2-141/A, admeasuring 3866.56 sq.yds or 3232.91 sq.mts out of 7733. 13 sq.yds in T.S.No.16, Block-I, Ward 176 (Part of Old Sy.No.138),situated at Malakpet, Hyderabad without assigning any reasons is arbitrary, illegal and also in violation of procedure laid down under law and consequently direct the Respondents to receive the document presented by the Petitioner in respect of above said property and register the document and release the same in accordance with law

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

DIRECT the Respondent No.3 to receive, register the Gift Deeds, Both Dated respect of (1) Portion of House bearing Municipal No.16-2-141/A, admeasuring 3866.56 sq.yds or 3232.91 sq.mts out of Ward: 176 (Part of Old Sy.No.138), situated 7733.13 sq.yds in T.S.No.16, Block-I, at Malakpet, Hyderabad (2) Portion of admeasuring 3866.56 sq.yds or 3232.91 House bearing Municipal No .16-2-141/A, sq.mts out of 7733.13 sq.yds in T.S.No.16, Block-I, Ward: 176 (Part of Old Sy.No.138), release the same in accordance with law which this Hon'ble Court deems fit and situated at Malakpet, Hyderabad thereby

Counsel for the Petitioner: SRI G. RAJESHWAR REDDY

Counsel for Respondents: GP FOR STAMPS AND REGISTRATION

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.45911 OF 2022

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus to declare action of respondent No.3 in refusing to receive, register and release the Gift Deeds both dated 14.11.2022 presented by the petitioner in respect of (1) portion of house bearing Municipal No.16-2-141/A, admeasuring 3866.56 Sq. Yds or 3232.91 Sq. Mts out of 7733.13 Sq. Yds in T.S.No.16, Block-I, Ward:176 (Part of Old Sy.No.138), situated at Malakpet, Hyderabad and (2) portion of house bearing Municipal No.16-2-141/A, admeasuring 3866.56 Sq. Yds or 3232.91 Sq. Mts out of 7733.13 Sq. Yds in T.S.No.16, Block-I, Ward:176 (Part of Old Sy.No.138), situated at Malakpet, Hyderabad, as illegal and arbitrary.

2. It is the specific contention of the learned counsel for the petitioner that respondent No.3 is refusing to receive the subject document for registration on the ground that the link document referred to in the Gift Deeds, both dated 14.11.2022, is a validated document, but not a registered document.

3. 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 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."

4. In the light of the Judgment referred to above, the Writ Petition is disposed of directing respondent No.3 to receive the Gift Deeds both dated 14.11.2022, in respect of (1) portion of house bearing Municipal No.16-2-141/A, admeasuring 3866.56 Sq. Yds or 3232.91 Sq. Mts out of 7733.13 Sq. Yds in T.S.No.16, Block-I, Ward:176 (Part of Old Sy.No.138), situated at Malakpet, Hyderabad and (2) portion of house bearing Municipal No.16-2-141/A, admeasuring 3866.56 Sq. Yds or 3232.91 Sq.

¹ W.P.No.16310 of 2019 and batch

Mts out of 7733.13 Sq. Yds in T.S.No.16, Block-I, Ward:176 (Part of Old Sy.No.138), situated at Malakpet, Hyderabad and process the same without reference to the fact that the link document referred to therein is a validated document and complete the process subject to the said document complying with the other legal requirements including the requirements of the Registration Act, 1908, and the Indian Stamp Act, 1899, within a period of four (04) weeks from the date of presentation of such document by the petitioner.

5. Accordingly, the Writ Petition is disposed of. No costs.
6. As a sequel, miscellaneous petitions, pending if any in this Writ Petition, shall stand closed.

//TRUE COPY//

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

SECTION OFFICER

To,

1. The Sub Registrar,, Azampura, Hyderabad
2. One CC to Sri G Rajeshwar Reddy Advocate [OPUC]
3. Two CCs to GP For Stamps And Registration ,High Court for the State of Telangana. [OUT]
4. Two CD Copies

MBC
LS

HIGH COURT

DATED: 11/01/2023



WP.No.45911 of 2022

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

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MA
8/2/23