

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

**TUESDAY, THE NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 593 OF 2024

Between:

Smt. T. Seetamma, w/o. Sri. T. Narayana chary, aged about 81 years, Occupation. House Wife, R/o. House No.23-173, Radha Krishna Nagar, Malkajgiri, Hyderabad-rep by Sale Agreement cum GPA Holder sri Narra Ravindra Naidu, S/o Sri. Narsaiah, aged about 59 years, Occ. Business, R/o. Plot No. 138, NBH Colony, Anandbagh, Malkajgiri, Hyderabad

...PETITIONER

AND

1. State of Telangana, rep by its Principal Secretary, Revenue (Stamp and Registration)Department Secretariat, Hyderabad.
2. The Sub Registrar, Malkajgiri, Medchal Malkajgiri District
3. The Telangana state wakf Board, Rep by its Chief Executive Officer Nampally, 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 issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondents particularly the 2nd respondent in refusing to receive, register and sale deed in respect of House bearing No.29- 1429/139 (PTIN NO.1280768753), on Part of Plot Nos.139 and 152, in Survey Nos.289 and 290, extent 120.00 Sq.yards or equivalent to 100.32 Sq.Mtrs ,having a plinth area of 1,915.00 sft RCC Roof (Ground Floor 957.5 Sq.Feet Plus First Floor 957.5 Sq.Feet), Situated at J.K.COLONY, Neredmet, Under GHMC, Malkajgiri Circle and Mandal, Medchal-Malkajgiri District as illegal arbitrary against the provisions of Registration Act and against the settled principle of law and consequently direct the 2nd respondent to receive, register and release the sale deed in respect of above property.

IA NO: 1 OF 2024

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 2 to receive, register and release the sale deed in respect of Residential House bearing No.3o-647/5/138, (PTIN NO.4170800081). On Plot No.138, in Survey Nos.466 to 469 and 469/1, admeasuring 200.00 Sq. Yards., or 167.2 Sq. Mtrs., Plintn area of 800 Sq. Feet of RCC Roof and 600 Sq. Feet A.C.C. Roof, Situated at "N.B.HOUSING COLONY" under Greater Hyderabad Municipal Corporation Malkajgiri Circle, Medchal-Malkajgiri District.

Counsel for the Petitioner: SRI GUDI MADHUSUDHAN REDDY

**Counsel for the Respondent Nos.1 & 2: AGP FOR STAMPS AND
REGISTRATION**

Counsel for the Respondent No.3: SRI FARAN AZAM KHAN, SC FOR TSWB

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO.593 OF 2024

ORDER:

Heard Mr. G.Madhusudhan Reddy, learned counsel for the petitioner and learned Assistant Government Pleader for Stamps and Registration, who is representing respondent Nos.1 and 2.

2. Aggrieved by the action of the second respondent-Sub-Registrar, Malkajgiri, Medchal-Malkajgiri District, in refusing to receive and register the sale deed presented by the petitioner in respect of House bearing No.29-1429/139 (PTIN No.1280768753) on Part of Plot Nos.139 & 152, in Survey Nos.289 & 290, extent 120.00 Sq.yards or equivalent to 100.32 Sq.Mtrs., having a plinth area of 1,915.00 sft RCC Roof (Ground Floor 957.5 Sq.Feet + First Floor 957.5 Sq.Feet) situated at J.K.Colony, Neredmet, under GHMC, Malkajgiri Circle and Mandal, Medchal-Malkajgiri District, the present Writ Petition is filed.

3. Learned counsel for the petitioner submits that the document presented by the petitioner 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 petitioner, 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.2-Registering Authority to receive and register the document presented by the petitioners in respect of the subject property, in case, the said document complies 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 petitioner in writing.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

SD/- P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

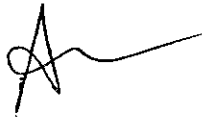
To

1. The Principal Secretary, Revenue (Stamp and Registration) Department Secretariat, Hyderabad State of Telangana.

2. The Sub Registrar, Malkajigiri, Medchal Malkajigiri District
3. The Chief Executive Officer Nampally, Telangana state wakf Board, Hyderabad.
4. One CC to SRI GUDI MADHUSUDHAN REDDY, Advocate [OPUC]
5. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana, at Hyderabad. [OUT]
6. One CC to SRI FARAN AZAM KHAN, SC FOR TSWB [OPUC]
7. Two CD Copies

PSK.

GJ

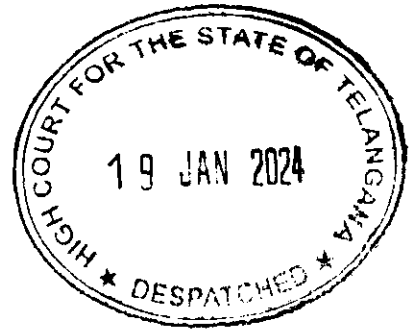


HIGH COURT

DATED:09/01/2024

ORDER

WP.No.593 of 2024



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

10

19/1/2024