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: 660 OF 2024

Between:

Kumari. Devi Kalyani Tippan, D/o: Roop Kiran Tippan, Aged about 14 years, Occ: Student, Rep By her Natural father and Guardian i.e. Roop Kiran Tippan S/o. T. Sridhar Reddy, Age 43 years, Occ: Private employee, R/o. H.No.30-656/1, Chandragiri colony, Near Nalanda School, Krupa Complex, Old Safilguda, Malkajgiri, Hyderabad

...PETITIONER

AND

1. State of Telangana, rep by its Principal Secretary, Revenue Department Secretariat, Hyderabad.
2. The Sub Registrar, Malkajigiri, Medchal Malkajigiri 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 residential Portion H.No.3o-466/167, on Plot No.167, (Western part) (133.33 Sq.Yds) and Plot No.168, (eastern part) (22.22Sq.Yds) totally admeasuring 155.55 Sq.Yards or equivalent 130.06 Sq. meters (out of 400.00 sq.yarcg) forming part of Sy.No.466, situated at Old Safilguda, covered under block no. 30 of Malkajgiri Circle, within the limits of Greater Hyderabad Municipal corporation, Malkajigiri Mandal, Medchal Malkajigiri 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, process, register and release the sale deed in respect of residential Portion H.No.30-466/167 on Plot No.167, (Western part) (133.33 Sq.Yds) and Plot No.168, (eastern part) (22.22Sq.Yds)totally admeasuring 155.55 Sq.Yards or equivalent 130.06 Sq. meters (out of 400.00 sq.yards) forming part of Sy.No.466, situated at Old Safilguda, covered under block no. 30 of Malkajgiri Circle, within the limits of GHMC, MALKAJGIRI MANDAL, Medchal Malkajigiri district.

Counsel for the Petitioner: SRI GUDI MADHUSUDHAN REDDY

Counsel for the Respondent No.1 and 2: GP FOR STAMPS AND REGISTRATION

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

The Court made the following: ORDER

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

WRIT PETITION NO.660 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 residential portion H.No.30-466/167, on Plot No.167 (Western part) (133.33 sq.Yds) and Plot No.168 (Eastern part) (22.22 Sq.Yds) totally admeasuring 155.55 Sq.Yards or equivalent 130.06 Sq. meters (out of 400.00 sq.yards) forming part of Sy.No.466 situated at Old Safilguda, covered under block No.30 of Malkajgiri Circle within the limits of Greater Hyderabad Municipal Corporation, Malkajgiri 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/- V.KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Sub Registrar, Malkajigiri, Medchal Malkajigiri District

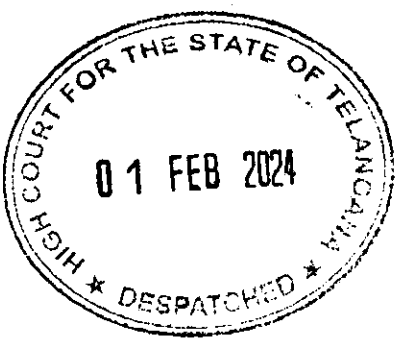
--cont1--

2. One CC to Sri Gudi Madhusudhan Reddy, Advocate [OPUC]
3. One CC to Sri Faran Azam Khan, SC [OPUC]
4. Two CCs to GP for Stamps And Registration, High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

T J
GJ

HIGH COURT

DATED:09/01/2024



ORDER

WP.No.660 of 2024

DISPOSING OF THE WRIT PETITION WITHOUT COSTS.

(8)xpies
Sm
30/1/24