

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

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION NO: 23970 OF 2021

Between:

Smt. Chungal Janabai @ Chungalva Janabai, W/o Late Chungal Laxman Rao @ Chungalva Laxman Rao, Age: 67 years, Occ.Houswife, R/o H.No.29-1382/2/120, Samatha Nagar, Neredmet, Malkajgiri, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Secretary, Revenue (Stamps and Registration) Department, Secretariat, Hyderabad.
2. The District Registrar, Medchal Malkajgiri District.
3. The Sub Registrar, Malkajgiri, Medchal Malkajgiri District.
4. The Telangana State Wakf Board, Nampally, Hyderabad, rep. by its Chairman

...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 3rd respondent, in refusing to receive, register and release the Gift Deed in respect of residential house bearing No.29-1382/2/4/5 (New) (Old H.No. 28-256/323), on Plot Nos.322 and 323 (part), in Sy.Nos. 289 and 290, admeasuring 331 Sq. Yards, situated at Samatha Nagar, Old Neredmet, under Malkajgiri Circle and Mandal, within the limits of GHMC, R.R. District presently Medchal Malkajgiri District, as illegal, arbitrary, against the provisions of Registration Act and against the settled principle of law and consequently direct the 3rd respondent to receive, register and release the Gift Deed in respect of residential house bearing No.29-1382/2/4/5 (New) (Old H.No. 28-256/323), on Plot Nos. 322 and 323 (part), in Sy.Nos. 289 and 290, admeasuring 331 Sq. Yards, situated at Samatha Nagar, Old Neredmet, under Malkajgiri Circle and Mandal, within the limits of GHMC, R.R. District presently Medchal Malkajgiri District.

IA NO: 1 OF 2021

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 forthwith receive, register and release the Gift Deed in respect of residential house bearing No.29-1382/2/4/5 (New) (Old H.No.28-256/323), on Plot Nos.322 and 323 (part), in Sy.Nos. 289 and 290, admeasuring 331 Sq. Yards, situated at Samatha Nagar, Old Neredmet, under Malkajgiri Circle and Mandal, within the limits of GHMC, R.R. District presently Medchal Malkajgiri District, in the interest of Justice, pending disposal of main Writ Petition.

Counsel for the Petitioner: SRI. S. SURENDER REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.23970 of 2021

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for the respondents. With their consent, the Writ Petition is disposed of at the stage of admission.

2. The main grievance of the petitioner is that respondent No.3 is refusing to receive, register and release the Gift Deed in respect of residential house bearing No.29-1382/2/4/5 (new), Plot Nos.322 and 323 (part), in Survey Nos.289 and 290 admeasuring 331 sq. yards situated at Samatha Nagar, Old Neredmet, Malkajgiri Circle and Mandal, Ranga Reddy District.

3. Learned Government Pleader has submitted that the official respondents will follow the procedure contemplated under Section 71 of the Registration Act, 1908.

4. Section 71 of the Registration Act, 1908 (for short 'the Act') 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 recorded 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.

5. In view of the above submission made by the learned Government Pleader coupled with the provision of Section 71 of the Registration Act, 1908, the Writ Petition is disposed of directing the Registering Authority to receive and process the subject documents, subject to the petitioner complying with the provisions of the Indian Registration Act, 1908, and Indian Stamps Act, 1899. It will be open to the Registering Authority to refuse/receive the document presented before him, if he has any other objection, by duly assigning reasons in support of such decision and communicate the said decision to the petitioner.

Miscellaneous petitions, pending if any, shall stand closed.

There shall be no order as to costs.

//TRUE COPY//

SD/- K.ONESIM
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Secretary, Revenue (Stamps and Registration) Department, State of Telangana, Secretariat, Hyderabad.
2. The District Registrar, Medchal Malkajgiri District.
3. The Sub Registrar, Malkajgiri, Medchal Malkajgiri District.
4. The Chairman, Telangana State Wakf Board, Nampally, Hyderabad.
5. One CC to Sri S. Surender Reddy, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies
8. One Spare Copy

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HIGH COURT

DATED:30/09/2021

ORDER

W.P.No.23970 of 2021



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

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11/10/21