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

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 21295 OF 2022

Between:

G. Annapurna, W/o. G. Mallesh, Age. 53 years, Occ: Housewife, R/o. Plot No. 37,
J.K Colony, Neredmet, Malkajgiri, Medchal Malkajgiri District

...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 Sale Deed in respect of Residential House property bearing No.29-1440/JK/37/A on Plot No. 37 in Sy.No. 289, admeasuring 100 Sq. Yards, situated at J.K Colony/Nagar, Neredmet, Malkajgiri, 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 Sale Deed in respect of Residential House property bearing No.29-1440/JK/37/A on Plot No. 37 in Sy.No. 289, admeasuring 100 Sq. Yards, situated at J.K Colony/Nagar, Neredmet, Malkajgiri, under Malkajgiri Circle and Mandal, within the

limits of GHMC, R.R. District presently Medchal Malkajgiri District, in the interest of Justice.

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 3rd respondent to forthwith receive, register and release the Sale Deed in respect of Residential House property bearing No.29-1440/JK/37/A on Plot No. 37 in Sy.No. 289, admeasuring 100 Sq. Yards, situated at J.K Colony/Nagar, Neredmet, Malkajgiri, 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 Respondent No's. 1 to 3: GP FOR Stamps and Registration

Counsel for the Respondent No. 4: SRI ABU AKRAM (SC FOR WAKF BOARD)

The Court made the following: ORDER

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION.No.21295 OF 2022

ORDER:

Heard both sides and perused the material on record.

2. It is submitted by the learned counsel for the petitioner that subject matter of this Writ Petition is squarely covered by the order passed by this Court in W.P.No.34119 of 2021, dated 16.12.2021. The same is not disputed by the learned Government Pleader for Revenue.
3. Learned Government pleader has fairly stated that the official respondents will follow the procedure contemplated under Section 71 of the Registration Act, 1908.

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.

4. In view of the above submissions made by both the parties 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 document, 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.

5. Consequently, miscellaneous petitions pending, if any, pending in this writ petition shall stand closed.

//TRUE COPY//

SD/-L.LAKSHMI BABU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal 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 Telangana State Wakf Board, Nampally, Hyderabad, rep. by its Chairman
5. One CC to SRI, S SURENDER REDDY Advocate [OPUC]

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6. One CC to SRI, ABU AKRAM (SC FOR WAKF BOARD)
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana.
[OUT]
8. Two CD Copies
9. One Spare Copy

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MMA

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HIGH COURT

DATED: 27/04/2022



ORDER

W.P.No.21295 of 2022

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

[Handwritten signature]
24/05/2022