

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

THURSDAY, THE TWENTY NINTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 37580 OF 2022

Between:

Sri Vatchavayi Shiva Rama Raju, S/o Late Bheema Raju, Aged about 61 years, Occ
Business R/o Plot no.100, Indian Gas, Venkatram Nagar, Suraram X Road,
Quthbullapur Mandal, Medchal-Malkajgiri District, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Revenue Department, Secretariat Building, Hyderabad.
2. The District Registrar, Medchal-Malkajgiri District, Telangana State.
3. The Sub registrar, Quthbullapur Mandal, Medchal-Malkajgiri District, Telangana State.
4. The Collector, Medchal-Malkajgiri District, Telangana State.
5. The Tahasildar, Quthbullapur Mandal, Medchal-Malkajgiri District, Telangana State.

...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 Writ of mandamus declaring the action of the 3rd respondent that is the sub registrar, Quthbullapur, Medchal-Malkajgiri District, in refusing to receive and register the sale deed presented by the petitioner in respect of house bearing no. 04-035 (PTIN 1150201280) with a plint area of 180 SFT on Plot no. 1083, admeasuring 142 Sq Yards in survey number 107, sitivated at Suraram Colony, of Suraram Village, Quthbullapur Mandal, Medchal-Malkajgiri District (Previously known as Rangareddy district), Telangana state illegal and bad in law, basing on the prohibitory list under 22- A of registration act as per the 1.Rangareddy district Gazette Notification R.R no.83, communicated by joint collector, Rangareddy district and consequently direct Respondent no.3 to receive and register the sale deed and pass such other order or orders.

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 Respondent no 3 herein to receive and register the sale deed presented by the petitioner in respect of house bearing no. 04-035 (PTIN 1150201280) with a plint area of 180 SF² on Plot no. 1083, admeasuring 142 Sq Yards in survey number 107, sitivated at Suraram Colony, of Suraram Village, Quthbullapur Mandal, Medchal-Malkajgiri District (Previously known as Rangareddy district), Telangana state pending disposal of the above writ petition.

Counsel for the Petitioner: SRI. RAVISH KEDIA

**Counsel for the Respondents: GP FOR STAMPS AND REGISTRATION/
REVENUE**

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.37580 of 2022

ORDER:

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

Seeking to direct the respondent No.3 to receive, register and release the document presented by the petitioner in respect of the subject property situated at Suraram Colony, Suraram Village, Quthbullapur Mandal, Medchal-Malkajgiri District, the petitioner has filed the present Writ Petition.

Learned Government Pleader has fairly stated that the official respondents will follow the procedure contemplated under Section 71 of the Registration Act, 1908 (for short, 'the Act').

Section 71 of 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;*

in 1, on application made by any person executing or claiming to be the document, shall, without payment and at the expense of him, 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."

In view of the submission made by the learned Government Pleader coupled with the provisions of Section 71 of the Act, the Writ Petition is disposed of directing the Registering Authority to receive, process and register the subject document, subject to the petitioner complying with the provisions of the Act and Indian Stamp Act, 1899. It will be open to the Registering Authority to refuse to register 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.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/-I, NAGALAKSHMI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary Revenue Department, Secretariat Building, State of Telangana Hyderabad.
2. The District Registrar, Medchal-Malkajgiri District, Telangana State.
3. The Sub registrar, Quthbullapur Mandal, Medchal-Malkajgiri District, Telangana State.

4. The Collector, Medchal-Malkajgiri District, Telangana State.
5. The Tahasildar, Quthbullapur Mandal, Medchal-Malkajgiri District, Telangana State.
6. One CC to SRI. RAVISH KEDIA Advocate [OPUC]
7. Two CCs to GP FOR STAMPS AND REGISTRATION/ REVENUE, High Court for the State of Telangana. [OUT]
8. Two CD Copies
9. One Spare Copy

JM

GJP



HIGH COURT

DATED:29/09/2022



ORDER

WP.No.37580 of 2022

DISPOSING OF THE WRIT PETITION
WITHOUT CC STS

11 Copies

ESY
shahid

29/09/2022