

HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF JANUARY

TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR
WRIT PETITION NO: 2562 OF 2023

Between:

M.V.S.L. Pathiraju, S/o Narasimharaju, R/o H.No.5-42, Mudunurivaripadu, Lakkavaram, Malikapuram Mandal, East Godavari District, A.P.

...PETITIONER

AND

1. The State of Telangana, rep. By its Secretary, Stamps and Registration Department, Secretariat, Hyderabad.
2. The District Registrar, Ranga Reddy District.
3. The Joint Sub-Registrar, Ranga Reddy District.
4. The District Collector, Ranga Reddy District.

...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 declaring the action of the respondents in not registering the Sale Deed, submitted by the petitioner along with another for registration with regard to the House Plot No.108, admeasuring 354 sq. yards, in Sy.No.44/3/1 & 44/2 (Old No.116) situated at rest of the area in Block No.1 of Maqtha Mahaboobpet village, Serilingampally Mandal, under GHMC Chandanagar Circle, R.R.District, as highly illegal, arbitrary and consequently direct the 3rd respondent to receive, register and release the Sale Deed, submitted by the petitioner along with another for registration with regard to the House Plot No.108, admeasuring 354 sq. yards, in Sy.No.44/3/1 & 44/2 (Old No.116) situated at rest of the area in Block No.1 of Maqtha Mahaboobpet village, Serilingampally Mandal, under GHMC Chandanagar Circle, R.R.District, without reference to the notification of the District Collector dt.26-09-2013;

IA NO: 1 OF 2023

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 receive, register and release the Sale Deed, Gift Deed, Mortgage Deed, Release /conveyance deed submitted by the petitioner along with another for registration with regard to the House Plot No.108, admeasuring 354 sq. yards, in Sy.No.44/3/1 and 44/2 (Old No.116) situated at rest of the area in Block No.1 of Maqtha Mahaboobpet village, Serilingampally Mandal, under GHMC Chandanagar Circle, R.R.District, without reference to the notification of the District Collector dt.26-09-2013;

Counsel for the Petitioner

: M/s N M KRISHNAIAH

Counsel for the Respondents

: GP FOR STAMPS AND REGISTRATION

The Court made the following:

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.2562 of 2023

ORDER:

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

2. This Writ Petition is filed seeking a Writ of Mandamus to declare the act on of the respondents in not registering the sale deed, submitted by the petitioner along with another for registration with regard to House Plot No.108, admeasuring 354 square yards ir. Survey Nos.44/3/1 & 44/2 (Old No. 15) situated at rest of the area in Block No.1 of Maqtha Mahaboobpet Village, Serilingampally Mandal, Under GHMC Chandanagar Circle, Ranga Reddy District as arbitrary, illegal and consequently, to direct respondent No.3 to receive, register and release the sale deed submitted by the petitioner for registration in respect aforesaid property, without reference to the notification of the District Collector, dated 26.09.2013.

3. Learned counsel for the petitioner has submitted that on earlier occasions, this Court in W.P.No.17050 of 2019, dated 09.08.2019, and W.P.No.2301 of 2020, dt.05.02.2020 has passed orders directing the registration of the document presented/pending before the authorities; the subject land in the present writ petition also pertains to the very same survey number.

4. The above position is not disputed by the learned Assistant Government Pleader and he fairly conceded for passing similar order in this writ petition and stated that the official respondents will follow the procedure contemplated under Section 71 of the Registration Act, 1908 (for short 'the Act').

5. Section 71 of the Act reads as follows:

"S.71. 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 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. In view of the above submissions made by both the parties coupled with the provision of Section 71 of the Act, the Writ Petition is disposed of, directing the Registering Authority to receive, process, register and release the subject document, without reference to the Notification dated 26.09.2013, subject to the petitioner complying with the provisions of the Registration Act, 1908, and the Indian Stamp 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. It is made clear that mere registration of document does not confer title to the property. It is also made clear that this order does not preclude the Government/District Collector to take appropriate steps, as warranted by law and to assert its title. If any proceedings/suit/appeal are pending between the executant of the document/government or any other interested party, the registration of the document will be subject to the result of that proceedings/suit/appeal. It is made clear that this Court

has not expressed any opinion on the merits of the case as to the entitlement of the petitioner to get the subject document registered. There shall be no order as to costs.

Miscellaneous petitions, if any, pending writ petition shall stand closed.

SD/-LSHIVA PARVATHI
ASSISTANT REGISTRAR
//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Stamps and Registration Department, State of Telangana, Secretariat, Hyderabad.
2. The District Registrar, Ranga Reddy District.
3. The Joint Sub-Registrar, Ranga Reddy District.
4. The District Collector, Ranga Reddy District.
5. One CC to SRI. N M KRISHNALAI Advocate [OPUC]
6. Two CCs to GP FOR STAMPS AND REGISTRATION ,High Court for the State of Telangana. [OUT]
7. Two CD Copies

HIGH COURT

MSK, J

DATED:31/01/2023



ORDER

WP.No.2562 of 2023

**WRIT PETITION IS DISPOSED
OF WITHOUT COSTS**