

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

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 25256 OF 2022

Between:

Anupriya Chintala, W/o. Yelkotwar Balakrishna, Age. 30 Years, Occ. Service,
R/o. Flat No.302, Phase-I, Manjeera Homes, Ramachandra Enclave,
Malkajgiri-Medchal-Malkajgiri

...PETITIONER

AND

1. The State of Telangana, Rep. by Principal Secretary, Revenue Administration Secretariat, Hyderabad.
2. The District Registrar, Medchal Malkajgiri District
3. The Sub-Registrar, Malkajgiri, Medchal-Malkajgiri District
4. 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 an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents particularly Respondent No.3 in refusing to receive and register and release the Sale Deed in respect of Residential Flat Bearing No.302, in Third Floor of Manjeera Homes, Phase-I, Block No./A, bearing Municipal No.25-40/32/77/1/8-Block/302, with Plinth area of 1030 sft including common area and Car parking area of 100 sft earmarked in the parking are together with undivied share of land admeasuring 39 Sq Yards or 32.60 Sq Meters out of 396.95 Sq Yards, constructed on part of plot Nos 82, 83 and 84, in Survey Nos. 562, 563 and 592, situated at Ramachadra enclave, East Anandbagh, Malkajgiri, Medchal-Malkajgiri, as illegal unjust, arbitrary against the provisions of Registrations Act and against the settled principal of law and consequently direct the 3rd Respondent to receive register and release the Sale Deed in respect of Residential Flat Bearing No.302, in Third Floor of Manjeera Homes, Phase-I, Block No./A, bearing Municipal No.25-40/32/77/1/8-Block/302, with Plinth area of 1030 sft including common area and Car parking area of 100 sft earmarked in the parking are together with undivied share of land admeasuring 39 Sq Yards or 32.60 Sq Meters out of 396.95 Sq Yards, constructed on part of plot Nos 82, 83 and 84, in Survey Nos.

562, 563 and 592, situated at Ramachadra enclave, East Anandbagh, Malkajgiri, Medchal-Malkajgiri.

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 Respondent No.3 forthwith to receive, register and release the Sale Deed in respect of Residential Flat Bearing No.302, in Third Floor of Manjeera Homes, Phase-I, Block No./A, bearing Municipal No.25-40/32/ 77/ 1/8- Block/302, with Plinth area of 1030 sft including common area and Car parking area of 100 sft earmarked in the parking are together with undivied share of land admeasuring 39 Sq Yards or 32.60 Sq Meters out of 396.95 Sq Yards, constructed on part of plot Nos 82, 83 and 84, in Survey Nos. 562, 563 and 592, situated at Ramachadra enclave, East Anandbagh, Malkajgiri, Medchal-Malkajgiri, pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI. SHAIK AHMED SHAREEF

Counsel for the Respondent No's.1 to 3: GP FOR REVENUE

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.25256 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.13722 of 2022, dated 04.04.2022. 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 respondent No.3 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.

SD/-K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Administration, State of Telangana, Secretariat, Hyderabad.
2. The District Registrar, Medchal Malkajgiri District
3. The Sub-Registrar, Malkajgiri, Medchal-Malkajgiri District
4. The Chief Executive Officer, Telangana State Wakf Board, Nampally, Hyderabad
5. One CC to SRI. SHAIK AHMED SHAREEF Advocate [OPUC]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
7. One CC to SRI. ABU AKRAM (SC FOR WAKF BOARD), Advocate [OPUC]
8. Two CD Copies.
9. One Spare Copy.

GB

HW

HIGH COURT

DATED:14/06/2022



ORDER

WP.No.25256 of 2022

**DISPOSING OF THE WP
WITHOUT COSTS.**

11
21/6/22
HVB