

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

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

PRESENT

THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 35072 OF 2022

Between:

Mohammed Majid, S/o. Shaik Omer, Aged about 37 years, Occ- Business,
R/o. H. No. 20-4-973/7/1, Khana Bagh, Charminar, Hyderabad, T.S.-500002

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary (Revenue Having office at Secretariat Buildings, At Hyderabad.
2. The Commissioner, and Inspector General of Registration and Stamps Telangana State.
3. The Sub Registrar, Chevella, R.R. District, T.S.

...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 of Mandamus declaring the action of 3rd respondent in refusing to receive, register and release the sale deed presented by petitioner in respect of all that the Open Plot in Sy. No. 191, 193/A, 194, 195, 196, 197, 198 and 200 Plot No. 176, admeasuring 500 Sq. yards or equivalent to 418 Sq. meters, situated at NEW BASHEER BAGH COLONY. Palgutta, H/o. Kandawada Village Chevella Mandal, Ranga Reddy District, Telangana, as arbitrary, illegal, without any jurisdiction, contrary to the provisions of the Registration Act, 1908 and in violation of Article 14 of the Constitution of India and consequently a direction is issued to 3' respondent herein to receive, register and release the sale deed presented by petitioner in respect of all that the Open Plot in Sy. No. 191, 193 A, 194, 195, 196, 197, 198 and 200 Plot No. 176, admeasuring 500 Sq. yards or equivalent to 418 Sq. meters, situated at NEW BASHEER BAGH COLONY, Palgutta, H/o. Kandawada Village, Chevella Mandal. Ranga Reddy District, Telangana.

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 pass an interim direction thereby directing the 3rd respondent herein to receive, register

and release the sale deed presented by petitioner in respect of all that the Open Plot in Sy. No. 191, 193/A, 194, 195, 196, 197, 198 and 200 Plot No. 176, admeasuring 500 Sq. yards or equivalent to 418 Sq. meters, situated at NEW BASHEER BAGH COLONY, Palgutta, H/o. Kandawada Village, Chevella Mandal, Ranga Reddy District, Telangana.

Counsel for the Petitioner: SRI. SYED JAWEED ABBAS NADEEM

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.35072 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 register and release the document presented by the petitioner in respect of the subject property situated at New Basheer Bagh Colony, Palgutta, H/o. Kandawada Village, Chevella Mandal, Ranga Reddy 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 (fort 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;*

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."*

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/- K. AMMAJI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, State of Telangana, Revenue Having office at Secretariat, Buildings, At Hyderabad.
2. The Commissioner, and Inspector General of Registration and Stamps Telangana State.
3. The Sub Registrar, Chevella, R.R. District, T.S.
4. One CC to SRI. SYED JAWEED ABBAS NADEEM Advocate [OPUC]
5. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
6. Two CD Copies.
7. One Spare Copy.

GB
GJP

Handwritten signature/initials

HIGH COURT

DATED:08/09/2022



ORDER

WP.No.35072 of 2022

**DISPOSING OF THE WP
WITHOUT COSTS.**

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23/9/22
Hvt