

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

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 3569 OF 2022

Between:

Sri Paladugu Gopala Krishna Murthy, S/o P. Koteswara Rao, Aged about 67 years,. Occ- Rtd Employee, H.No. 19-96, Gautham Nagar, Malkajgiri, Hyderabad-047.

...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 Chief Executive Officer.

...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 3rd respondent in refusing to receive, register and release the Sale Deed in respect of residential house bearing No. 45-100/46 part, on plot No. 46, admeasuring 323 Sq.yds or 270 Sq.mtrs covering of Sy. No. 565/1-3, situated at Malkajgiri Municipality, under GHMC Malkajgiri Circle and Mandal, Ranga Reddy District (presently Medchal-Malkajgiri District) and consequently direct the respondents to receive, register and release the Regd. Sale Deed in respect of residential house bearing No. 45-100/46 part, on plot No. 46, admeasuring 323 Sq.yds or 270 Sq.mtrs covering of Sy. No. 565/1-3, situated at Malkajgiri Municipality, under GHMC Malkajgiri Circle and Mandal, Ranga Reddy District (presently Medchal-Malkajgiri District).

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 to receive, register and release the Regd. Sale Deed in respect of residential house bearing No. 45-100/46 part, on plot No. 46, admeasuring 323 Sq.yds or 270 Sq.mtrs covering of Sy. No. 565/1-3, situated at Malkajgiri

Municipality, under GHMC Malkajgiri Circle and Mandal, Ranga Reddy District (presently Medchal- Malkajgiri District), pending disposal of main Writ Petition.

Counsel for the Petitioner: SRI AKKAM ESHWAR

Counsel for the Respondent Nos. 1 to 3: AGP FOR REVENUE

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

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION No.3569 of 2022

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue for the respondents 1 to 3 and Sri Abu Akram, learned Standing Counsel for Respondent No.4-Wakf Board. With their consent, the Writ Petition is disposed of at the stage of admission.

2. The main grievance of the petitioner is that respondent No.3 is refusing to receive, register and release the document presented by them in respect of the subject property situated at Malkajgiri, under GHMC Malkajgiri Circle and mandal, Ranga Reddy district.

3. Learned Government Pleader has stated that the official respondents will follow the procedure contemplated under Section 71 of the Registration Act, 1908.

4. Section 71 of the Registration Act, 1908, 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.

5. In view of the above submission made by the learned Government Pleader 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/s, subject to the petitioners complying with the provisions of the Registration Act, 1908, and 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 petitioners.

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

//TRUE COPY//

SD/- V.KAVITHA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Secretary, Revenue (Stamps and Registration) Department, State of Telangana, Secretariat, Hyderabad.
2. The District Registrar, Medchal Malkajigiri District

...Contd...

3. The Sub- Registrar, Maikajigiri, Medchal Maikajigiri District
4. The Chief Executive Officer, Telangana State Wakf Board, Nampally, Hyderabad.
5. One CC to SRI AKKAM ESHWAR Advocate [OPUC]
6. One CC to SRI ABU AKRAM, SC FOR WAKF BOARD[OPUC]
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CD Copies.
9. One spare copy.

NPJ

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HIGH COURT

DATED:23/02/2022

ORDER

WP.No.3569 of 2022



DISPOSING OF THE WRIT PETITION

AT THE STAGE OF ADMISSION WITHOUT COSTS.

AD Copies
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5/3/22