
(2023) 04 TEL CK 0006
In the Telangana High Court
Case No : Writ Petition No. 9053 Of 2023

A. Rama Krishna

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 04-04-2023

Acts Referred:

Registration Act, 1908 — Section 71

Citation : (2023) 04 TEL CK 0006

Hon'ble Judges : Mummineni Sudheer Kumar, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Stamps and Registration appearing for the respondents. With their consent, this writ petition is disposed of at the stage of admission.

2. Aggrieved by the action of respondent No.3 in refusing to receive, register and release the document submitted by the petitioners for registration in respect of open land admeasuring 500 sq. yards in Survey No.252/1/2 situated at Moosapet Village, Kukaatpally Mandal, Medchal – Malkajgiri District, the petitioners filed the present writ petition.

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

4. Having regard to the above, it is relevant to refer to Section 71 of the Act, 1908 and Rule 58 of the Telangana Rules made under the Act, 1908, which read as follows:

Section 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 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.

Rule 58

"58. It forms no part of a Registering Officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document; but he is bound to consider objections raised on any of the grounds stated below:

a) that the parties appearing or about to appear before him are not the persons they profess to be;

b) that the document is forged;

c) that the person appearing as a representative, assign or agent, has no right to appear in that capacity;

d) that the executing party is not really dead as alleged by the party applying for registration; or

e) that the executing party is a minor or an idiot or a lunatic."

5. In view of the above made submissions coupled with the provision under Section 71 of the Act, 1908, this writ petition is disposed of directing the Registering Authority to receive, register and release the subject document, subject to the petitioners complying with the provisions of the Act, 1908 as well as the Indian Stamp Act, 1899. It will be open to the Registering Authority to refuse the document presented before him, if he has any objection, by duly assigning reasons in support of such decision and communicate the said decision to the petitioners. It is made clear that this Court has not expressed any opinion on merits of the case as to the entitlement of the petitioners to get the subject document registered. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.