
(2022) 12 TEL CK 0024
In the Telangana High Court
Case No : Writ Petition No. 44069 Of 2022

Akhtar Ali

APPELLANT

Vs

State Of Telangana And 2 Others

RESPONDENT

Date of Decision : 07-12-2022

Acts Referred:

Registration Act, 1908 — Section 71

Citation : (2022) 12 TEL CK 0024

Hon'ble Judges : Mummineni Sudheer Kumar, J

Bench : Single Bench

Advocate : Gudi Madhusudhan Reddy

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioner and learned 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.2 in refusing to receive, register and release the document submitted by the petitioner for registration in respect of residential House No.7-133/9 (PTIN No.1170201057) Plot No.99/C extent of 95 sq. yards in Survey Nos.630, 641, 642 and 643 with a plinth area of 1700 sq. feet of RCC roof consisting of Ground and First Floors situated at Durga Nagar, GHMC, Malkajgiri Circle and Mandal, Medchal Malkajgiri District, the petitioner filed the present writ petition.

3. The learned 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').

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.

4. 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 petitioner 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 petitioner. It is made clear that this Court has not expressed any opinion on merits of the case as to the entitlement of the petitioner to get the subject document registered.

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