
(2021) 09 TEL CK 0005
In the Telangana High Court
Case No : Writ Petition No. 20223 Of 2021

Dr.D.Rama Rao

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 01-09-2021

Acts Referred:

Registration Act, 1908 — Section 71

Citation : (2021) 09 TEL CK 0005

Hon'ble Judges : A.Abhishek Reddy, J

Bench : Single Bench

Advocate : Gotati Ram Babu

Judgement

1. Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue for respondents. With their consent, the Writ Petition is disposed of at the stage of admission.

Aggrieved by the action of the respondent No.3 in refusing to receive and register the Development Agreement-cum-Irrevocable General Power of Attorney presented by the petitioners in respect of the land in municipal Nos.8-3-200, 8-3-200/1, 8-3-200/2, 8-3-200/3 and 8-3-200/4 admeasuring 991 sq. yards situated at Bharatnagar Colony, adjacent to Vengal Rao Nagar, Hyderabad, the present writ petition is filed.

The learned counsel for the petitioners has submitted that on an earlier occasion, this Court in W.P.No.16436 of 2021, dt.20.07.2021, has passed orders directing registration of the documents presented/pending before the authorities.

The above position is not disputed by the learned Government Pleader and he fairly conceded for passing similar order in this writ petition and 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.

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 Registering Authority to receive and process the subject document subject to the petitioners 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 petitioners. However, any such registration shall be treated as a provisional one. It is made clear that mere registration of the document does not confer any title to the property. The petitioners shall not claim equity in case any adverse orders are passed against them. If any proceedings/suit/ appeal are pending between the executant of the document/ government or any other interested party, the registration of the document will be subject to the result of that proceedings/suit/ appeal. It is also made clear that this order does not preclude the Government/District Collector to take appropriate steps as warranted by law and to assert its title.

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