

(2023) 02 TEL CK 0069
In the Telangana High Court
Case No : Writ Petition No. 5408 Of 2023

Guduri Ramu

APPELLANT

Vs

State Of Telangana And Another

RESPONDENT

Date of Decision : 24-02-2023

Acts Referred:

Registration Act, 1908 — Section 71

Citation : (2023) 02 TEL CK 0069

Hon'ble Judges : Mummineni Sudheer Kumar, J

Bench : Single Bench

Advocate : K Ashok Reddy

Final Decision : Disposed Of

Judgement

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

2. This Writ Petition is filed seeking a writ of Mandamus to direct respondent No.2 to receive, process and register the document (sale deed), dated 10.02.2023 in respect of open plot No.266, land to an extent of 235.00 square yards or 197.00 square meters in Survey No.143, situated at Rekurthy Locality of Kothapalli Mandal, Karimnagar District, within the limits of Municipal Corporation, Karimnagar.

3. Learned counsel for the petitioner has submitted that on earlier occasion, this Court in its order dated 22.03.2022 in W.P.No.44223 of 2018 and batch has considered the issue of non-registration of the properties in Rekurthy Village, Karimnagar District.

4. The above made submission is not disputed by the learned Assistant Government Pleader for Stamps and Registration.

5. Having regard to the above, it is relevant to refer to Section 71 of the Registration Act, 1908 (for short '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."

6. In view of the above submissions made by both the parties coupled with the provisions of Section 71 of the Act, 1908 and Rule 58 of the Telangana Rules made under the Act, 1908, the Writ Petition is disposed of directing the Registering Authority to receive, register and release the subject documents submitted by the petitioner subject to the petitioner complying with the provisions of the Act, 1908, and the Indian Stamp Act, 1899. It will be open to the Registering Authority to refuse to 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 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.