

(2023) 01 TEL CK 0011
In the Telangana High Court
Case No : Writ Petition No. 341 Of 2023

Jillelamudi Rajyalakshmi

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 05-01-2023

Acts Referred:

Registration Act, 1908 — Section 71

Citation : (2023) 01 TEL CK 0011

Hon'ble Judges : Mummineni Sudheer Kumar, J

Bench : Single Bench

Advocate : N Niyatha

Final Decision : Disposed Of

Judgement

1. Heard Ms.N.Niyatha, learned counsel for the petitioner and learned Assistant Government Pleader for Revenue appearing for the respondents. With their consent, the Writ Petition is disposed of at the stage of admission.

2. This Writ Petition is filed seeking to declare the action of the respondents in not registering the documents in respect of residential Flat bearing No.206, Second floor, Block- XI with Municipal Door bearing No.4-11/206, residential apartment known as "Prajay Shelters Apartments", with super built up area admeasuring 687 square feet, with an undivided share of land admeasuring 10.51 square yards in Survey No.44, situated at Maktha Mahaboobpet Village, Serilingampally Mandal, Ranga Reddy District, basing on the notification dated, 26.09.2013 of respondent No.6, which is already set aside by this Court, as arbitrary and illegal.

3. Learned counsel for the petitioner has submitted that on earlier occasions, this Court in W.P.No.17050 of 2019, dated 09.08.2019, and W.P.No.2301 of 2020, dt.05.02.2020 has passed orders directing the registration of the document presented/pending before the authorities; the subject land in the present writ petition also pertains to the very same survey number.

4. The above position is not disputed by the learned Assistant 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 (for short 'the Act').

5. Section 71 of the Act reads as follows :

"S.71. Reasons for refusal to register to be recorded : - 3 -

(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 record 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."

6. In view of the above submissions made by both the parties coupled with the provision of Section 71 of the Act, the Writ Petition is disposed of, directing the Registering Authority to receive and process the subject document, without reference to the District Gazette Notification dated 26.09.2013, subject to the petitioner complying with the provisions of the Indian Registration Act, 1908, and the 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 petitioner. It is made clear that mere registration of document does not confer title to the property. 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. 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 made clear that this Court has not expressed any opinion on the merits of the case as to the entitlement of the petitioner to get the subject document registered. There shall be no order as to costs.

Miscellaneous petitions, if any, pending writ petition shall stand closed.