
(2022) 08 TEL CK 0022
In the Telangana High Court
Case No : Writ Petition No. 32214 Of 2022

M/S. MbK Developers

APPELLANT

Vs

State Of Telangana And 3 Others

RESPONDENT

Date of Decision : 11-08-2022

Acts Referred:

Constitution Of India, 1950 — Article 14
Registration Act, 1908 — Section 22A

Citation : (2022) 08 TEL CK 0022

Hon'ble Judges : T.Vinod Kumar, J

Bench : Single Bench

Advocate : K V Bhanu Prasad

Judgement

1. The present writ petition is filed with the following prayer:

'...to issue an order or orders or direction or writ more particularly one in the nature of WRIT OF MANDAMUS declaring the order of 4th respondent vide Refusal No.42/2022 dated 02/08/2022 basing on the letter Lr.No.E5/2825/2011 dated 10/06/2021 issued by the 2nd respondent when there is no notification issued by the 1st respondent under Sec.22A of Registration Act as illegal, arbitrary, malafide, intentional, Contrary to Article 14 of Constitution of India and consequently set aside the same in the interests of justice and pass all necessary orders for the said purpose.'

2. Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents. With their consent, the writ petition is taken up for disposal at the stage of admission.

3. Petitioner contends that the document presented by the petitioner for registration was refused relying on the list communicated by the 2nd respondent under Section 22-A of the Registration, vide Lr.No.E5/2825/2011, dt.10.06.2021 and Lr.No.E1/7739/2008 dt.23.11.2019.

4. Learned counsel for the petitioner would further contend that in similar

circumstances, this Court in W.P.No.21575 of 2022 dt.28.04.2022 directed the registering authority to register the document, if the same is otherwise in accordance with law without reference to the letter dt.10.06.2021 addressed by the 2nd respondent subject to petitioner complying with the other conditions.

5. Learned Government Pleader does not dispute the order passed by this Court. However, he would draw the attention of this Court that, against the order of this Court, W.A.Nos.232 and 352 of 2013 and 343 of 2015 are pending and for the said reason, the authority has issued the impugned proceeding refusing to register.

6. Be that as it may, since this Court in similar circumstances has already expressed view and directed the respondents to register the document without reference to letter dt.10.06.2021, and since the petitioner is also similarly situated, it shall be entitled for a similar order.

7. In view of the above, for reasons alike as were stated in W.P.No.21575 of 2022 dt.28.04.2022, and in terms thereof, this writ petition is disposed of directing the respondent – Sub-Registrar to register the document of sale, transfer and gift etc., presented for registration by the petitioner/s, if the document is otherwise in accordance with law, without reference to the Lr.No.E5/2825/2011, dt.10.06.2021, addressed by the District Collector, Ranga Reddy district, subject to the petitioner complying with the provisions of the 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.

8. Registry is directed to append a copy of the order passed in W.P.No.21575 of 2022 dt.28.04.2022 to this order.

9. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. No order as to costs.