
(2021) 07 TEL CK 0048
In the Telangana High Court
Case No : Writ Petition No. 15757 Of 2021

M/S. PGM Homes India Private Limited	APPELLANT
Vs	
State Of Telangana	RESPONDENT

Date of Decision : 14-07-2021

Acts Referred:

Indian Registration Act, 1908 — Section 71

Citation : (2021) 07 TEL CK 0048

Hon'ble Judges : P.Naveen Rao, J

Bench : Single Bench

Advocate : Raavinuthala V S R

Final Decision : Disposed Of

Judgement

1. Heard Sri Raavinuthala V.S.R, 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. The prayer sought in the writ petition reads as under:

â??â?| to issue an order, writ or direction more particularly one in the nature of writ of mandamus declaring the act of the respondent No.3 in

rejecting registration of sale deed executed and presented for registration on 30.06.2021 in respect of Agricultural Farm Land bearing No.K 724 and

K 724 A (each admeasuring 500 sq. yards) admeasuring Ac.0-8.21644 gts., or 0.08361 Hectors or 1000 sq. yards in Sector K in Survey Nos.377 and

378 situated at Proddutur Village and Gram Panchayat Shankarapally Mandal, Ranga Reddy District, as null and void and to pass such other order or

orders as this Honâ??ble Court may deem fit and proper in the circumstances of the case in the interest of justice.â??

3. According to learned counsel for petitioner, the main grievance of the petitioner is that the Sub Registrar of Assurance, respondent No.3, is refusing to receive, register and release the sale deed submitted by the petitioner for registration in respect of agricultural farm land bearing No.K 724 and K

724 A (each admeasuring 500 sq. yards) admeasuring Ac.0-8.21644 gts. or 0.08361 Hectors or 1000 sq. yards in Sector K in Survey Nos.377 and 378

of Proddutur Village and Gram Panchayat, Shankarpally Mandal, Ranga Reddy District, based on notification dated 26.09.2013.

4. 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, dated 05.02.2020, has passed orders directing registration of the documents presented or pending before the authorities.

5. 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 Indian Registration Act, 1908 (for short "the

Act").

6. Section 71 of the Act reads as follows :

"S.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 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."

7. 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 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 is 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. Pending miscellaneous petitions, if any, shall stand closed.