

(2022) 08 TEL CK 0030

In the Telangana High Court

Case No : Writ Petition No. 31799, 31800, 31808, 31818, 31843, 31852, 31863, 31885, 31895 Of 2022

M/S. Srr Fortune Infra Projects

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 08-08-2022

Acts Referred:

Registration Act, 1908 — Section 71

Citation : (2022) 08 TEL CK 0030

Hon'ble Judges : T.Vinod Kumar, J

Bench : Single Bench

Advocate : Sarosh Sam Bastawala

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioners and learned Government Pleader for Stamps and Registration appearing for the respondents. With their consent, these writ petitions are disposed of at the stage of admission.

2. Aggrieved by the action of the 3rd respondent in refusing to entertain the subject documents for registration in respect of the subject property, the petitioners filed the present writ petitions.

3. Learned counsel for the petitioners has submitted that on earlier occasions, this Court, in W.P.No.17050 of 2019 dt.09.08.2019, and W.P.No.2301 of 2019 dt.05.02.2020, has passed orders directing the registration of the documents presented/pending before the authorities.

4. The above position is not disputed by the learned Government Pleader and he fairly conceded for passing similar order in this batch of writ petitions and stated that the respondents will follow the procedure contemplated under Section 71 of the Registration Act, 1908 (for short, 'the Act').

Section 71 of 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.

5. In view of the above made submissions coupled with the provision under Section 71 of the Act, the writ petitions are disposed of directing the Registering Authority to receive and process the subject document/s, subject to the petitioners complying with the provisions of the Act as well as the Indian Stamp Act, 1899. It will be open to the Registering Authority to refuse the document/s presented before him, if he has any 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 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.

6. Miscellaneous Petitions, if any, pending in these writ petitions shall stand closed. No order as to costs.