

(2021) 07 TEL CK 0032

In the Telangana High Court

Case No : Writ Petition No. 16194, 16205 Of 2021

Vegunta Sunil Choudary

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 19-07-2021

Acts Referred:

Indian Registration Act, 1908 — Section 71

Citation : (2021) 07 TEL CK 0032

Hon'ble Judges : P.Naveen Rao, J

Bench : Single Bench

Advocate : N M Krishnaiah

Final Decision : Disposed Of

Judgement

1. The prayer sought in the writ petition reads as under:

to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not

registering the Sale Deed/ Rectification Deed/Gift Settlement Deed/mortgage/ conveyance deed submitted by the petitioner for registration with

regard to the House Plot bearing No.48 admeasuring 222.22 sq yards In Sy.Nos.44/5 of Maktha Mahabubpet village, Serilingampally Mandal, R.R.

District, as highly illegal, arbitrary and consequently direct the 3rd respondent to receive register and release the Sale Deed/Rectification Deed/Gift

Settlement Deed /mortgage/ conveyance deed submitted by the petitioner after due registration with regard to the House Plot bearing No.14

admeasuring 266.66 sq yards, Block No.1, in Sy.Nos.44/3/1 and 44/2 (old No.116) of Maktha Mahabubpet village, Serilingampally Mandal, R.R.

District, without reference to the notification of the District Collector dated 26.09.2013 and pass such other relief or reliefs as this Hon'ble Court

may deem fit and proper in the circumstances of the case,â??

2. Heard Sri N.M. Krishnaiah, 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.

3. According to learned counsel for petitioner, the main grievance of the petitioner is that the Joint Sub-Registrar, respondent No.3, is refusing to

receive, register and release the sale deed submitted by the petitioner for registration in respect of House Plot bearing No.48 admeasuring 222.22 sq.

yards in Survey No.44/5 of Maktha Mahabubpet Village, Serilingampally 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/ pending before the authorities; the

subject land in the present writ petition also pertain to the very same survey number.

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 â??the

Actâ??).

6. Section 71 of the Act reads as follows :

â??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 â??registration refusedâ? 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.â??

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.