

**HIGH COURT FOR THE STATE OF TELANGANA**

**\* \* \* \* \***

**WRIT PETITION No.313 of 2020**

Between:

**Mandala Anjaneyulu and another**

... Petitioners

and

**The District Registrar, Medchal-Malkajgiri  
District at Keesara and others**

... Respondents

**DATE OF JUDGMENT PRONOUNCED:** 01<sup>st</sup> October, 2020

**SUBMITTED FOR APPROVAL.**

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

- 1 Whether Reporters of Local newspapers may be allowed to see the Judgment?** Yes/No
- 2 Whether the copies of judgment may be marked to Law Reporters/Journals** Yes/No
- 3 Whether His Lordship wish to see the fair copy of the Judgment?** Yes/No

---

**Dr. SHAMEEM AKTHER, J**

**\* THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

**+ Writ Petition No.313 of 2020**

**% Date: 01.10.2020**

**Mandala Anjaneyulu and another**

... Petitioners

and

**The District Registrar, Medchal-Malkajgiri  
District at Keesara and others**

... Respondents

**! Counsel for the Petitioners : M/s.Bharadwaj Associates**

**^ Counsel for the Respondents : G.P for Revenue (R1 to R4)  
Sri M.Radha Krishna (R7 to R10)**

**>HEAD NOTE:**

**? Cases referred**

<sup>1</sup> (1875) 2 IndApp 210 (Privy Council)

<sup>2</sup> (1885) ILR (Calcutta) 750

<sup>3</sup> (2008) 6 ALD 268

<sup>4</sup> AIR 2016 Supreme Court 4995

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER****WRIT PETITION No.313 of 2020****ORDER:**

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners, wherein the following prayer is made.

**"to issue a Writ of Mandamus or any other appropriate Writ declaring that the action of the respondents 1 and 2 (registration authorities of Medchal-Malkajgiri District) in registering a Sale Deed dated 04.10.1997, pending document No.1514 of 1997, in the year 2019 as registered document No.15353 of 2019 and thereby conferring title of the land admeasuring Ac.1.07 guntas in Sy.No.247 of Yapral village, Malkajgiri Mandal, Medchal-Malkajgiri District, in favour of respondents 5 to 10 (after 22 years) is arbitrary and illegal and further declare that title of the petitioners has remained unaffected and no title has passed on to respondents 5 to 10 in respect of the land admeasuring Ac.1.07 guntas in Sy.No.247 of Yapral village, Malkajgiri Mandal, Medchal-Malkajgiri District and direct the respondents 1 and 2 to de-register the document No 15353 of 2019 and grant such other relief..."**

**2.** Heard the submissions of Sri Vedula Venkataramana, learned senior counsel appearing on behalf of the petitioners, learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 4, Sri M.Radha Krishna, learned counsel for respondent Nos.7 to 10 and perused the record.

**3.** The facts that led to filing of this writ petition, in brief, are that the subject land i.e., land admeasuring Ac.1.07 guntas in Survey No.247 situated at Yapral Village, Malkajgiri Mandal, Medchal-Malkajgiri District, originally belonged to Mandala Rajalingam (who is no more now), Mandala Anjaneyulu, Mandala Chinna Manemma (who is no more now) and R.Uma. They have jointly executed a sale deed, dated 04.10.1997, before the 3<sup>rd</sup> respondent/Sub-Registrar, Ranga Reddy District at Hyderabad,

selling the said land in favour of respondent Nos.5 and 6 herein. The said sale deed was assigned a pending registration P.No.1514 of 1997 and was impounded for want of deficit stamp duty by the-then Joint Sub-Registrar-I, RO(OB), Ranga Reddy District. Subsequently, in the year 2019, i.e., after about 22 years, the said document was registered as Document No.15353/2019, by the Joint Sub-Registrar-I (R.O.), Ranga Reddy District, after collecting deficit stamp duty and penalty. The respondent Nos.7 to 10 are the subsequent purchasers of the subject land from respondent Nos.5 and 6. The petitioners filed the instant writ petition to declare the action of the official respondent Nos.1 and 2 in registering the pending document of the year 1997 (P.No.1514 of 1997) as registered document in the year 2019 (Document No.15353 of 2019) as illegal, arbitrary and for a further declaration that the title of the petitioners remains unaffected and no title has passed on to respondent Nos.5 and 6 and for a consequential direction to official respondent Nos.1 and 2 to de-register the document No.15353 of 2019.

**4.** During the course of hearing, the learned senior counsel appearing for the petitioners did not press the relief of declaration sought in favour of the petitioners. The learned senior counsel restricted his prayer to declare the action of official respondent Nos.1 and 2 in registering the pending document of the year 1997 as registered document in the year 2019 as illegal and arbitrary.

5. The learned senior counsel appearing for the petitioners vehemently argued that the action of the registration authorities in registering a sale deed after 22 years of its execution is patently arbitrary and *ultra vires* to the provisions of the Registration Act, 1908. The time prescribed for registration of a document is four months from the date of its presentation. Though the document in question is presented for registration on 04.10.1997 before the 3<sup>rd</sup> respondent, it was registered on 31.08.2019, i.e., after a lapse of 22 years, which is illegal. The Registrar concerned ought not have resorted to such practice. Further, registration has been done by the present District Registrar of Medchal-Malkajgiri District, who has no jurisdiction to register a document which was presented before the 3<sup>rd</sup> respondent, as the office of the District Registrar, Medchal-Malkajgiri District was not in existence as on the date of presentation of the document in question. The petitioners, who are the owners of the subject land, cannot be made to wait indefinitely, anticipating registration of a pending document of the year 1997, thereby disabling them from entering into fresh transactions. It is surprising that the office of the Sub-Registrar has maintained a pending document for 22 long years without registering it. Even before affecting registration of a 22 year old document, no notice or opportunity has been provided to the petitioners. Though two out of four vendors of the subject land expired, the registered document shows that they are alive as on the date of registration in the year 2019. There are multiple legal defects as regards the registered sale deed in question.

Even if the petitioners have executed a sale deed in the year 1997 on agreed terms, they cannot be bound by the said document since the cost of the subject land has multiplied by 300% and they cannot be forced to abide by the unregistered sale deed. Registering a document after 22 years of its execution is impermissible in law. A sale transaction can be binding on the vendors only within some proximity of time from the date of execution, but it definitely cannot bind them after 22 years from the date of its execution. Even if the unregistered sale deed is assumed as an agreement of sale, the validity of an agreement of sale after 22 years from the date of its execution is illegitimate. Hence, the registered sale deed bearing document No.15353 of 2019 is liable to be invalidated and ultimately prayed to declare the action of official respondent Nos.1 and 2 in registering the sale deed, dated 04.10.1997 (pending document P.No.1514 of 1997) in the year 2019 as registered document No.15353 of 2019 as illegal and arbitrary and ultimately prayed to direct the respondent Nos.1 and 2 to de-register the document No.15353 of 2019.

**6.** On the other hand, the learned counsel for the respondent Nos.7 to 10 would submit that the respondent Nos.7 to 10 are the subsequent purchasers of the land in question from respondent Nos.5 and 6. No period of limitation has been prescribed for registration of a document. The averment of the petitioners that the pending document No.1514 of 1997 cannot bind them since the land cost has multiplied by 300% and they

cannot be forced to abide by an unregistered sale deed itself discloses that it was a speculative litigation. A perusal of the pending document No.1514 of 1997, dated 04.07.1997, makes it clear that all the executants appeared before the registering authority and thereby, the conditions prescribed in Part IV of the Registration Act, 1908, were complied. When the pending document No.1514 of 1997 was presented before the registering officer on 04.10.1997, the jurisdiction vested with the 3<sup>rd</sup> respondent. Subsequently, after bifurcation of the erstwhile state of Andhra Pradesh and after formation of Telangana State, the jurisdiction vests with the 2<sup>nd</sup> respondent, who rightly registered the document in question. The contention of the petitioners that registration of a document should take place within four months from the date of its execution is incorrect, as the time limit fixed by the Registration Act, 1908, is only for presentation of the document but not for registration. If at all the petitioners intends to impeach the validity of the document in question, they have to approach competent Civil Court for redressal of their grievance. If all the parties to the document appear before the registering authority and admits due execution of a document, the question of issuing notice again to the parties by the registering officer do not arise. When a document is chargeable with duty under the provisions of Indian Stamp Act, 1899, and it is not sufficiently stamped, the officer concerned shall impound the same under Section 33 of the said Act and forward the same to the Collector to take necessary steps to compel payment of deficit stamp duty and penalty, if any. In



the instant case, deficit stamp duty was collected on 09.07.2019 and the same cannot be attributed to anybody. The effect is that the presentation is a good presentation, though actual registration is delayed. The relief sought by the petitioners cannot be granted and ultimately prayed to dismiss the writ petition. In support of his contentions, the learned counsel had relied on the following decisions.

1. *Sah Mukhun Lall Panday Vs. Sah Koondun Lall and another*<sup>1</sup>
2. *Shama Charan Das Vs. Joyenoolah and another*<sup>2</sup>
3. *P.Manikyam and another Vs. The Sub-Registrar and others*<sup>3</sup>
4. *Satya Pal Anand Vs. State of M.P.*<sup>4</sup>

7. In view of the above rival contentions, the point that arises for determination in this Writ Petition is as follows:

**"Whether action of the respondents 1 and 2 (registration authorities of Medchal-Malkajgiri District) in registering a Sale Deed dated 04.10.1997 (pending document No.1514 of 1997) as registered document No.15353 of 2019, in the year 2019, and thereby conferring title of the land admeasuring Ac.1.07 guntas in Sy.No.247 of Yaprall village, Malkajgiri Mandal, Medchal-Malkajgiri District, in favour of respondents 5 to 10 (after 22 years) is arbitrary and illegal?"**

**Point:-**

8. There is no dispute with regard to the presentation of the document, dated 04.10.1997, for registration by the executants of the said document before the 3<sup>rd</sup> respondent, and the same was kept pending as Pending Document No.1514 of 1997. Subsequently, the said document was registered as document No.15353 of 2019, after collecting the deficit stamp duty and

---

<sup>1</sup> (1875) 2 IndApp 210 (Privy Council)

<sup>2</sup> (1885) ILR (Calcutta) 750

<sup>3</sup> (2008) 6 ALD 268

<sup>4</sup> AIR 2016 Supreme Court 4995



penalty. The photocopy of the document in question filed before this Court by the petitioners reveals the collection of deficit stamp duty and imposition of penalty by the Collector under Indian Stamp Act, 1899 & District Registrar, Medchal-Malkajgiri District. The learned senior counsel appearing for the petitioners contended that the subject document ought to have been registered within four months from the date of its presentation. In **Sah Mukhun Lall's** case (1 supra), the Privy Council held as follows:

"Though the statute makes it imperative to present an instrument for registration within four months from the date of its execution, no time is fixed within which a deed presented and accepted for registration must be registered; and, indeed, from the nature of the requirements of the Act, the period within which the registration must be completed could not have been fixed."

9. Under the Registration Act, 1908, there is no period of limitation for registration of a document, once the document is presented and accepted for registration. In the instant case, the subject document was executed and presented for registration on 04.10.1997 and the executants of the documents (vendors) have subscribed their signatures and thumb impressions in token of acceptance of contents of the subject document on the same day. The subject document was kept pending for collection of deficit stamp duty. The deficit stamp duty and the penalty are paid belatedly. Similar question came up for consideration in **Shama Charan Das's** case (2 supra), wherein, a bond was executed by the defendants on the 10<sup>th</sup> June 1882 and it was presented for registration by the plaintiff on 6<sup>th</sup> October of the same year. Since the said document was insufficiently stamped,

it was impounded and sent to Collector, who directed the defendants therein to pay deficit stamp duty, with penalty. The money not having been recovered from the defendants, the plaintiff ultimately paid the deficiency of stamp duty and penalty on 10<sup>th</sup> August, 1883. In the circumstances, the Division Bench of the Calcutta High Court held as follows:

**"...there is one matter for which no limitation is provided for at all, and that is for the fact of registration. Accordingly, it has been held by the Privy Council in the case of Sah Mukhun Lall Panday v. Sah Kundun Lall 15 B.L.R. 228 that there is, in law, no limitation for registration, provided the requirements of the law have been complied within those matters for which a limitation of time is provided."**

**"...But there is no provision in the Registration Act or in the Stamp Act which says that if the document, when presented, is insufficiently stamped, the presentation shall be no presentation. On the contrary, the procedure provided is wholly inconsistent with that idea, because what the procedure requires is that the registering officer, to whom the document is presented, receives it and makes his entry accordingly; he impounds it and sends it to the Collector; the Collector takes the necessary steps to compel payment of the proper stamp duty and the penalty; he then returns the document to the registering officer, who shall proceed with the matter. The effect is that the presentation is a good presentation, though the actual registration is delayed. But, as I have pointed out, there is no period limited for registering. We think, therefore, that the lower Appellate Court is wrong in saying that there was no proper presentation of this document within four months as required by law."**

**10.** Similar situation had emerged in the subject registration of document. Since there is no period of limitation to register the document, once it was presented before the authority concerned within four(4) months after its execution and when it was accepted for registration, registering the document at a later stage i.e, on 31.08.2019 (after lapse of 22 years), cannot be faulted.

**11.** The next contention of the learned senior counsel appearing for the petitioners is that registration of the subject document has been done by the present District Registrar of Medchal-Malkajgiri District, who has no jurisdiction to register a document which was presented before the 3<sup>rd</sup> respondent/Sub-Registrar, Ranga Reddy District at Hyderabad. Admittedly, the subject document was presented on 04.10.1997 before the 3<sup>rd</sup> respondent/Sub-Registrar, Ranga Reddy District at Hyderabad, and it was registered on 31.08.2019, after the lapse of 22 years, by the 2<sup>nd</sup> respondent/The Sub-Registrar, Malkajgiri, Medchal-Malkajgiri District, after collection of deficit stamp duty and penalty by the 1<sup>st</sup> respondent/District Registrar, Medchal-Malkajgiri District. After the reorganisation of the erstwhile State of Andhra Pradesh, new districts have come into existence in the State of Telangana and the 1<sup>st</sup> respondent/The District Registrar, Medchal-Malkajgiri District, has got territorial jurisdiction to collect the deficit stamp duty and penalty on the subject document. His jurisdiction cannot be disputed. The contention that the office of the District Registrar, Medchal-Malkajgiri District was not in existence as on the date of presentation of the document in question is not helpful to the petitioners in view of the reorganisation of districts. Therefore, collection of deficit stamp duty and imposition of penalty by the 1<sup>st</sup> respondent/District Registrar, Medchal-Malkajgiri District cannot be faulted, as the subject property is situated well within his jurisdiction.

**12.** It is also contended that two of the executants of the subject document died and no notices were issued to the remaining executants before the subject document was registered. The death of two executants of the subject document among four executants would not have any bearing over the registration of the document. Once a sale deed is presented for registration, the recitals made therein were admitted by the vendors/executants in the presence of witnesses and thereafter keeping the said sale deed pending for want of payment of deficit stamp duty, would not change the nature of document and it cannot be read as an agreement of sale. There is no procedure to get the executants of a document once again before the registering authorities before a pending document is registered. There is no force in the said submission.

**13.** The other contention advanced on behalf of the petitioners is that the petitioners cannot be made to wait indefinitely anticipating registration of a pending document of the year 1997. There is no force in the said submission. In view of the decision in **Shama Charan Das's** case (2 supra) and also in the facts and circumstances of the instant case, since the subject document was kept pending for collection of deficit stamp duty and when the document is registered on payment of deficit stamp duty and penalty and when there is no limitation prescribed to register a pending document, the presentation of the subject document is proper and not beyond the period of limitation. Since all the requirements enumerated under Part IV

of Registration Act, 1908, are met with and the procedure stipulated for registration of the subject document has been followed by the parties to the subject document, the registration of the subject document cannot be faulted. And further, once an insufficiently stamped document is submitted for registration, the registering authority has a right to keep the said document pending, for collection of deficit stamp duty and imposition of penalty, if any, under Section 33 of the Indian Stamp Act, 1899. The said procedure has been followed by the authorities concerned in respect of the subject document.

**14.** In **P.Manikyam's** case (3 supra), the erstwhile High Court of Andhra Pradesh held that if the executants of a document seeks to impeach the validity of the very document which is sought to be registered, he is entitled to invoke the jurisdiction of competent Civil Court for an appropriate relief. In the instant case, if the petitioners have any dispute with regard to the passing of title under the subject document, the proper remedy available to them is to file a civil suit before a competent civil Court. Since delay in registration of the subject document is not fatal, it would not vitiate the registration of the subject document. In **Satya Pal Anand's** case (4 supra), the Hon'ble Apex Court held as follows:

**"...the exercise of discretion to issue a writ is a matter of granting equitable relief. It is a remedy in equity.**

**...No Court can be a party to a speculative litigation, much less High Court in exercise of Writ jurisdiction.**

**...Remedy of Writ cannot be used for declaration of private rights of parties or enforcement of their contractual rights and obligations.**

**...If the document is required to be compulsorily registered, but while doing so some irregularity creeps in, that, by itself, cannot result in a fraudulent action of State Authority.**

**...Some irregularity in procedure committed during registration process would not lead to a fraudulent execution and registration of document, but a case of mere irregularity. In either case, the party aggrieved by such registration of document is free to challenge its validity before the Civil Court”.**

**15.** The submissions made on behalf of the petitioners and the subject document placed before this Court, do not establish any procedural irregularity in registering the subject document. All contentions raised on behalf of the petitioners do fail, merit no consideration to grant the relief sought in this writ petition. The writ petition is devoid of merit and is liable to be dismissed.

**16.** In the result, the Writ Petition is dismissed. No costs.

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

---

**Dr. SHAMEEM AKTHER, J**

01<sup>st</sup> October, 2020

**Note:-**

Mark L.R.Copy.  
(B/O) Bvv