

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

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**WRIT PETITION NO.12076 OF 2023**

Between:

1. M/s. Silpa Developers, rep.by its partner S.Pratap Reddy,  
S/o. S.K.Chenna Reddy and eight others.

**...Petitioners**

**AND**

1. The State of Telangana, Rep.by its Principal Secretary,  
Department of Stamps & Registration, Secretariat  
Building, Hyderabad and three others.

**...Respondents**

**JUDGMENT PRONOUNCED ON: 28.04.2023**

**SUBMITTED FOR APPROVAL:**

**THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR**

1. Whether Reporters of Local : Yes/No  
newspapers may be allowed to see  
the Judgment ?
2. Whether the copies of judgment : Yes/No  
may be marked to Law  
Reports/Journals
3. Whether Their Lordship/Ladyship : Yes/No  
wish to see the fair copy of  
judgment

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**MUMMINENI SUDHEER KUMAR, J**

**THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR****+WRIT PETITION NO.12076 OF 2023**

%Dated 28.04.2023

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\$ 1. The State of Telangana, Rep.by its Principal Secretary, Department of Stamps & Registration, Secretariat Building, Hyderabad and three others.

**...Respondents**

! Counsel for Petitioners : Mr. C. Naresh Reddy

^ Counsel for Respondents : Government Pleader for Stamps & Registration

< GIST :

> HEAD NOTE :

? Cases referred :

**THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR**WRIT PETITION NO.12076 OF 2023**ORDER:**

This Writ Petition is filed questioning the refusal order No.218/2023 of P.382/2021/Refusal Order No.05/2023 dated 12.04.2023 passed by the fourth respondent, wherein the deed of cancellation, dated 03.12.2021 submitted by the petitioners for registration seeking to cancel the Development Agreement-cum-General Power of Attorney (GPA), dated 26.07.2012 vide document No.5137/2012 was refused to be registered by the fourth respondent on the ground that six out of fourteen executants of the said document failed to appear before him within a period of four months' time prescribed under Section 23 of the Registration Act, 1908 ("the Act, 1908" for brevity) or within a further period of four months provided under proviso to Section 34 of the Act, 1908.

2. The brief facts of the case are that the cancellation deed in question was executed on 03.12.2021 and presented for registration on the same day before the fourth respondent. However, out of fourteen persons, who executed the said document, only eight persons have appeared before the fourth respondent and the remaining six executants have appeared

after a lapse of 479/480 days and complied with the required formalities. But the said document was refused to be registered by the fourth respondent on the ground that the six out of fourteen executants of the said document have appeared before him beyond the four months' period prescribed under Section 23 of the Act, 1908 and also on the ground that the time that is extendable for a further period of four months also lapsed.

3. Learned Assistant Government Pleader for Stamps and Registration placed before this Court the written instructions received from the fourth respondent through letter No.253/SRO/KKP/2023, dated 25.04.2023 wherein the fourth respondent stated as under:-

“In this connection I would like to submit that, as promised orally by the presentants on 03.12.2021, it is their responsibility to see that the remaining 6 executants (owners) are present before the Registering Officer within a reasonable time to complete the registration process. At the time of presentation of the document for registration, they were orally informed of the Rule Position by the 4<sup>th</sup> respondent orally which rule position is as follows:

According to the provisions of Sec.24 of the Registration Act, 1908 where there are several persons executing a document at different times such documents may be presented for registration within 4 months from the date of each execution and according to the provisions of Sec.25 of Registration Act, 1908 where the delay in presentation does not exceed 4 months, the concerned District Registrar may direct that on payment of a fine not exceeding 10 times of the amount of the proper registration fee such document shall be accepted for registration. According to the Sec.34 of Registration Act, 1908 no document shall be registered under this Act unless the persons executing such document appear before the registering officer within the time allowed for presentation under sections 23 to 26 of the registration Act, 1908. From the above provisions of Registration Act, read with Rule 38 of the Telangana Rules under the Registration Act, 1908, it is very clear that the District

Registrar can condone the delay in presentation and appearance under sections 25, 34 of Registration Act to an extent of delay of 4 months only.

In the instant case, as explained above out of the remaining 6 executants (owners), Five (5) of them appeared before the Registering officer on 27.03.2023 i.e., after the 479 days from the date of execution and presentation of the document and that the remaining 1 (one) executants (owner) appeared on 28.03.2023 i.e., after 480 days from the date of execution and presentations of the document in question. As such the remaining above said 6 (Six) executants (owners) failed to appear before the Registering Officer either during the normally allowed 4 months period or the permitted 4 months period from which the concerned District Registrar can condone the delay, and deliberately appeared to their whims and fancies before the Registering Officer after a huge delay of 479/480 days from the date of their execution of the document in question, taking into consideration the above rule position, the said pending document no.P.382/2021 of SRO, Kukatpally has been refused for registration.”

4. Section 23 of the Act, 1908 reads as under:-

**“Time for presenting documents:-** Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution:

Provided that a copy a of a decree or order may be presented within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final.”

From the above, it is clear that no document other than a Will shall be accepted for registration unless the same was presented for that purpose to the proper officer within four months from the date of its executants. Section 24 of the Act, 1908 permits presentation of a document for registration and re-registration in case if such document is executed by several persons within a period of four months from the date of each of such execution by different persons. Sections 25 and 26 of the Act, 1908 also

deal with presentation of documents at a belated stage under different circumstances provided under the said provisions. In the instant case, the said provisions are not relevant.

5. As already noted above, the document in question was executed on 03.12.2021 and the same was admittedly presented for registration on the same date. Therefore, the question of delay in presentation of document in question attracting the embargo under Section 23 of the Act, 1908 does not arise.

6. It is not clear from the impugned order passed by the fourth respondent as to whether the said document was executed by all the fourteen persons by the date of presentation of such document or the same was executed by the respective executants on the date they appeared before the fourth respondent. Whatever be the situation, once the document is presented for registration on 03.12.2021 i.e. the date of execution by either eight persons or fourteen persons, the same is presented for registration well within the period of four months prescribed under Section 23 of the Act, 1908. Even assuming that the rest of the six persons who have not appeared before the fourth respondent on the date of registration of the document on 03.12.2021 and they have also not executed the document by that day and if the same was

executed by the respective executants on the dates on which they appeared before the fourth respondent, the same also would amount to presentation of the said document on the date of which they appeared and executed the said document as admittedly the said document is in the office of the fourth respondent till the date of passing of the impugned order. Therefore, the ground on which the impugned order is passed by the fourth respondent is totally misconceived and is a result of misconception of law. The fourth respondent totally failed to understand the scope and ambit of Sections 23 and 24 of the Act, 1908. Even when the matter was referred to the third respondent, the third respondent failed to apply his mind to the fact situation and failed to understand the provisions contained in Sections 23 and 24 of the Act, 1908 and in a mechanical manner, issued a communication in proceedings No.2670/E/2023, dated 01.04.2023.

7. In the light of the above discussion and considering the reasons given by the fourth respondent for passing the impugned order, this Court has no hesitation to hold that the understanding of the fourth respondent of the provisions contained in Sections 23 and 24 of the Act, 1908 is totally

misconceived and the impugned order is wholly unsustainable under law and the same is liable to be set aside.

8. Accordingly, the impugned order is set aside and liberty is granted to the petitioners to resubmit the returned document vide P.No.382/2021 before the fourth respondent and on such presentation of the document by the petitioners, the fourth respondent is directed to receive and process the same for registration in accordance with law without raising the objection of delay in presentation of the said document and complete the process within a period of one week from the date of presentation of such document and release the same.

9. Accordingly, the Writ Petition is allowed to the extent indicated above.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

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**(MUMMINENI SUDHEER KUMAR, J)**

28<sup>th</sup> April 2023

**NOTE:** LR Copy to be marked  
B/O  
RRB