

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

WRIT PETITION No. 26271 of 2015

BETWEEN

Kandi Rajaiah and others

... PETITIONERS

AND

The State of Telangana, Rep. by its Principal Secretary,
Revenue Department and others

...RESPONDENTS

Date of Order pronounced: 15.09.2015

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | 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 |

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ORDER:-

Heard.

2. Petitioners claim to be purchasers of land to an extent of Ac.3-00 in Survey No.103 of Nawabpet village, Chigurumamidi Mandal, Karimnagar District. Petitioners state that they purchased the said land from the vendors in the year 2003 and since then they are in possession and enjoyment and their name was also recorded in the revenue records. Petitioners, however, sought to obtain regular sale deed from the vendors and for that purpose when they approached the third respondent for registering the sale deed, the third respondent is stated to have refused to accept the sale deed for registration without production of pattadar passbooks and title deeds of the petitioners' vendors. Petitioners question the said action in the present writ petition seeking to declare that the third respondent has no power to insist on the petitioners for producing pattadar passbooks and title deeds.

3. This issue is no more *res integra* and was already adjudicated by a Division Bench of this Court in ***K.Anantha Rao v. State of Andhra Pradesh***^[1], wherein this court held in conclusive paragraphs as follows:

“21. In view of the aforesaid discussion, we hold that the requirement of production of document as mentioned in the impugned Section by the transferor or vendor is not unconstitutional as it is not repugnant to and inconsistent with any provision of Registration Act, 1908 in any manner whatsoever and the same is hereby upheld.

22. However, the requirement of production of document relating to title by the vendee, as mentioned in the sub-section of the impugned Section, is absolutely absurd and irrational as the vendee or transferee cannot produce any document relating to title of the land in question because after the acquisition of interest only, he will get the document relating to title, but not before that. Article 14 of the Constitution of India cannot at all stand irrationality and absurdity of any piece of legislation, and on that ground, this portion is struck down accordingly. We declare that the impugned Section, except this portion, is constitutionally valid.”

4. In view of the above declaration of law, the third respondent cannot insist on the petitioners to produce pattadar passbooks and title deeds as petitioners are vendees and to that extent petitioners are entitled to the relief as prayed for.

5. Writ petition is accordingly disposed of declaring that under Section 6-

D of the A.P.Rights in Land and Pattadar Passbooks Act, 1971, in terms of the order extracted above, the third respondent shall entertain the sale deed presented by the petitioners as vendees without insisting upon production of pattadar passbooks and title deeds.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

September 15, 2015
LMV

[\[1\]](#) 2013(6) ALT 708 (D.B.)