

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION Nos.4004 and 4011 of 2017

COMMON ORDER:

Criminal Petition Nos.4004 and 4011 of 2017 are filed by the petitioners/A.2 and A.3 respectively under Sec.437 and 439 Cr.P.C, seeking regular bail in Crime No.366 of 2017 of Kukatpally P.S, Cyberabad wherein the petitioners and other accused have allegedly committed offences under Sec.419, 420, 468, 471, 120(B) IPC and Sec.82 of Registration Act, 1908.

2) A.2 is the Director and authorized signatory of **M/s.Trinity Infra Ventures Limited** whereas A.3 is the General Manager in Gold Stone Infratech and Director and authorized signatory of **M/s.Suvishal Power Gen. Ltd.** It may be noted that in between **M/s.Trinity Infra Ventures Limited** represented by A.2 and **M/s.Suvishal Power Gen. Ltd.**, represented by A.3, four documents were registered on 21.01.2016 in the Sub-Registrar's office (S.R.O), Kukatpally wherein A.1 is the Sub-Registrar and those four deeds are the subject matter of the present crime.

3) **M/s.Trinity Infra Ventures Limited** in the capacity of GPA holder of Smt.Ameerunissa Begum and 8 others, executed those four deeds through A.2, in favour of **M/s.Suvishal Power Gen. Ltd** represented by A.3.

4) While-so, the District Registrar, Medchal—Malkajgiri District lodged a complaint with Kukatpally P.S, alleging that under the four documents referred supra, about 700 Acres of Government land in Sy.Nos.20, 28, 100 and 101 of Miyapur village, Serilingampally Mandal, Ranga Reddy District were registered between the two concerns by violating Sec.22-A of the Registration Act, 1908 and by making false statement before the Registering Officer of SRO, Kukatpally that the said lands were transferable patta lands and thereby cheated the Government. Accordingly, Crime No.366 of 2017 was registered and investigated into. During the course of investigation, the accused were arrested.

Hence the bail applications.

5 a) Denying the allegations and pleading for bail, learned Senior Counsel Sri Vedula Venkata Ramana, would firstly argue that the lands covered by the four documents were originally Jagir lands and Nawab Kaisaruddin Khan was the Jagirdhar and later due to the abolition of the Jagirs, the Government claimed the lands covered by the four deeds and other lands as vested in them but in fact those lands were the patta lands of Jagirdhars and in that context, S.L.P is pending before Hon'ble Supreme Court. Further, some land was acquired for Metro Rail Project and in respect of allocation of compensation amount, LAOP No.376/2012 is pending wherein the accused are parties. While-so, **M/s.Trinity Infra Ventures Limited** after obtaining GPA from the successors of the Nawab who are the private

pattedars of the disputed lands, has executed the four deeds by transferring the Sanad rights in favour of **M/s.Suvishal Power Gen. Ltd** represented by A.3. Learned Senior Counsel would vehemently argue that by virtue of those four deeds only Sanad rights were transferred but it was not an absolute sale as picturised by the prosecution. In fact the parties could execute a Memorandum of Understanding(MOU) authorizing **M/s.Suvishal Power Gen. Ltd**, to clear all the Court litigations and then to obtain the transfer of the properties covered by those four deeds. However, since the original pattedars need money from time to time, **M/s. Suvishal Power Gen. Ltd**, in order to have security for the amounts paid by it and also to obviate the pattedars from entering into transactions with some third parties, insisted for deed of transfer of Sanad and thereby, the four documents were executed in between them. In that background, he would emphasize, the documents cannot be termed as sale deeds for the purpose of Indian Stamp Act and Registration Act.

b) Secondly, he would argue that there was no violation of Section 22-A of Registration Act, inasmuch as, no notification was issued by the Government declaring the lands covered by the four deeds as prohibited from registration. Even assuming that such a notification was in vogue and the parties allegedly entered into sale transaction, still that will not impinge upon the right, title and interest of the Government, if it had indeed. He would remind that since the SLP is pending before the Apex Court, Government cannot claim any such

right. He would submit that if at all any procedural violation is taken place as alleged, the Inspector General of Stamps and Registrations could take action against A.1, who is the Sub-Registrar for not following the rules but the petitioners/A.2 and A.3 being the private parties cannot be found fault with.

c) Thirdly, he would argue that investigation sofaras petitioner/A.2 is completed as police custody was given and he was interrogated long back. Further, the petitioner has been suffering with severe ailments. He would thus urge for bail.

Learned Senior Counsel relied upon the decision reported in ***Sanjay Chandra vs. Central Bureau of Investigation***¹.

6) While adopting the arguments advanced on behalf of petitioner/A.2, Sri Jandhyala Ravi Shankar, learned counsel for petitioner/A.3 would additionally argue that A.3 is a bonafide transferee of Sanad rights and for violation of any procedural aspects, petitioners cannot be prosecuted as no collusion is established between A.1 on one hand and A.2 and A.3 on the other. He would submit that the petitioner/A.3 is 75 years old and suffering with old age ailments and he underwent open heart surgery. He would further submit that the petitioners are law abiding citizens and there is no scope for them to abscond from the jurisdiction of the police. He thus prayed for bail.

¹ (2012) 1 Supreme Court Cases 40

7) Severely opposing the bail applications, learned Public Prosecutor for the Telangana State would argue that the lands covered by the four deeds are the Government lands and Poramboku lands and therefore, registration of those lands was prohibited in terms of Sec.22-A of Registration Act and in fact the Government have issued notification to that extent in the year 2007 and 2011 to all concerned including the Sub-Registrars and therefore, it is not apt to argue that there was no such notification. He would vehemently argue, despite the notification in vogue, all the accused colluded together and got transferred the Government lands whose value is more than several hundred Crores. He would argue that though it was apparently styled as transfer of Sanad rights, but the contents of the documents would depict as out-and-out sale deeds. Though by virtue of those spurious sale deeds the title of the Government may not be impinged at present, still the real intention of the parties was to create a series of documents by virtue of the present documents and to manipulate the revenue records and create further documents so as to grab away the valuable Government lands. He argued that investigation is in the crucial stage to know whether the two concerns of A.2 and A.3 are in existence or they are shell companies and whether there are any other big persons behind the scene. He would apprehend that if bail is granted, certainly the accused would meddle with the investigation and tamper with the evidence. He thus prayed to dismiss the bail petitions.

8) In the light of above rival arguments, the point for determination is:

“Whether petitioners/A.2 and A.3 deserve bail?”

9) **POINT**: The main allegation of the prosecution is that under the guise of four transfer deeds, the accused have, in fact, entered into out-and-out sale deeds in respect of 700 Acres of Government land covered by Sy.Nos.20, 28, 100 and 101 which were expressly prohibited to be registered in terms of Sec.22-A of Registration Act. It is also the apprehension of the prosecution that by virtue of those deeds, the accused would in future create a series of transfer deeds in favour of some third parties and also manipulate the revenue records and thereby grab the valuable Government lands. The basic contention of the petitioners/A.2 and A.3 is that the lands in question are not Government lands but they are patta lands of the Nawab and a SLP is pending before the Supreme Court in respect of those and other lands and the parties have entered into only deeds of transfer of Sanad rights and they are by no means sale deeds and hence, there is no need of paying any stamp duty and penalty treating them as conveyance.

10) In this context, a perusal of the statement of the District Registrar, Malkajgiri would show that in the year 2007, Government have issued proceedings No.B/322/2007 stating that the lands in question and some other lands are Government lands. Similar proceedings were issued in the year 2011 also with a specific

instruction to all the Sub-Registrars not to effect registration. Therefore, the contra argument of petitioners cannot be accepted. Further, in the light of such notifications being in force, neither sale deeds nor transfer of Sanads should have been registered by A.1. However, bypassing those notifications the four documents were registered. It casts a *prima facie* doubt on the integrity of all the accused. Petitioners/A.2 and A.3 cannot pass burden on A.1 on the ground that they are private parties. Then, a perusal of the four controversial deeds would show that though they were ostensibly entered for transfer of Sanads but the meaning assigned to the term ‘Sanad rights’ in those documents would give an inference that those documents are sale deeds. It is to be noted that the meaning assigned by the parties to the Sanad rights is “*all proprietary and possessory rights*”. Further, the nomenclature of the deed is mentioned as “NOW THEREFORE THIS **DEED OF SALE** WITNESSETH AS FOLLOWS”. Though nomenclature is not a determinative factor, still by virtue of the meaning given to the Sanad rights, a preliminary inference can be drawn to the effect that the documents were intended to serve the purpose as sale deeds. Ofcourse, all these aspects are subject matter of investigation, but the available record shows that a prohibition in terms of Sec.22-A of Registration Act was imposed and violating the same, four sale deeds were brought into forth by the accused. The property covered by those documents is around 700 Acres of prime land in the City of Hyderabad, whose value is more than several hundred Crores as per the submission of prosecution.

The Auditor's report available in the C.D file would show that if treated as conveyance, several Crores worth of stamp duty had to be collected in respect of those four deeds.

11) Thus a strong *prima facie* case is made out against all the accused. The gravity of the offence is concerned, as already stated, the property covered in this case is about 700 Acres of precious land. The land is the precious gift endowed by nature to mankind and this scarce resource has to be guarded against the acts of grabbers, whoever they may be. As rightly pointed out by learned Public Prosecutor, the possibility of accused creating further documents to grab the valuable Government property cannot be obviated. Whether the accused concerns are really in existence or they are only shell companies lending name to some hidden persons in this dubious magnum opus is to be unearthed after a thorough investigation. As the matter stands, in view of the strong *prima facie* case and gravity of the offence, investigation pending at a crucial stage, the petitioners in the considered view of the Court, cannot be granted bail. The cited decision is of no avail.

12) Accordingly, the bail petitions are dismissed.

As a sequel, miscellaneous petitions pending, if any, in both the petitions, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 14-06-2017

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