

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 19810 of 2007

Order:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

The petitioner claims that an extent of Ac.14.27 gts., of land in Survey No.137 of Srirampur village, Mulugu Mandal is a Zirayati patta land as per the entries in the Khasra Pahani of 1954-55. The said land was initially purchased by one Mohinder Singh Dargan through two registered sale deeds vide Nos.449 and 450 dated 23.07.1970 registered by the Sub-Registrar, Siddipet. He sold the said land to one Gogineni Parvathi through a registered sale deed bearing document No.3808 of 1985 dated 06.12.1985 registered by the Sub-Registrar, Gajwel. He also sold an extent of Ac.7.30 gts., in favour of one K. Ramesh vide document No.3809 of 1985 dated 05.12.1985. The pattadar passbooks and title deeds were issued to the said vendees and their names were mutated in the revenue records. A certificate was also issued by the third respondent vide proceedings dated 16.09.2004 certifying that the said lands are patta lands. While so, when the vendee G. Parvathi offered to sell her land of an extent of Ac.14.27 gts., in favour of the petitioner and when the petitioner presented the documents for registration before the second respondent, the second respondent passed an order on 13.08.2007 refusing to register the documents on the ground that the said property is Kharij Katha lands and assigned to two different persons as per the proceedings of the Tahsildar, Mulugu dated 19.06.2007 and 13.03.2007. The second respondent enclosed copy of refusal order No.1 of 2007.

Since the Writ Petition was admitted, a counter affidavit was filed by the Tahsildar, Mulugu Mandal stating that he communicated the list of Government lands and list of assignees in the Government lands to the Sub-Registrar, Gajwel as per the instructions of the Collector, Medak at Sangareddy and also requested not to entertain any registrations in respect of the Government lands. The land in Survey No.137, Ac.14.27 gts., is the Government land as per the revenue records and as such it was included in the list of Government lands sent to the Sub-Registrar, Gajwel. Hence, the action of the second respondent is valid. He further stated that the entries in khasra pahani for the said land for the year 1954-55 were tampered and the names of four persons in pattadar column were entered by erasing the entry "Kharij Khata". However, in the subsequent pahanies the entries in respect of Survey No.137 was recorded as "Kharij Khata". Since there was no communication to the Sub-Registrars on the earlier occasion with regard to the lands assigned, Mohinder Singh Dargan might have purchased the land through registered sale deed and subsequent sales might have been affected. The issuance of pattadar passbooks and title deeds to the Vendor of the present petitioner is not valid in the eye of law. It is also stated that those documents were not issued and no mutation was sanctioned. The alleged certificate dated 16.09.2004 issued by the Mandal Revenue Officer was not available in the office. The pattadar passbooks and title deeds produced by G. Parvathi and K. Ramesh are forged documents and with the help of those passbooks they are playing fraud. In fact, when one T.E. Mathai filed W.P.No.2987 of 2006 and moved a Contempt Case in CC No.1060 of 2006, the Contempt Case was dismissed by this Court on 28.11.2006. The said person, T.E. Mathai also having a registered sale

deed from the same Vendor and he sought for mutation of his name. His request was rejected by the Tahsildar, Mulugu Mandal.

Thus, the claim of the petitioner and the title to the land of the petitioner is denied by the third respondent. In the present case, what is challenged is an order passed by the second respondent refusing to register the document. Hence, this Court is not recording any opinion on the rival claims of the parties. The second respondent is entitled to refuse registration of a document as per Section 71 of the Registration Act and against the order passed by the second respondent an appeal lies to the Registrar under Section 72 of the Registration Act.

In the circumstances, without expressing any opinion on the merits of the case, this Writ Petition is disposed of giving liberty to the petitioner to file an appeal to the Registrar, if he so desires, within a period of thirty (30) days from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 07.06.2017
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