

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.2696 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:-

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the impugned endorsement vide Request No.904/2019 dated 07.02.2019 that the land an extent of Ac.1.04 guntas, Ac.0.44 guntas in Sy.No.339 of Nizampet Village, Bachupally Mandal, Medchal-Malkajgiri District, owned by the petitioner is prohibited from registration as illegal, arbitrary, without jurisdiction and contrary to the relevant provisions under the Registration Act, 1908 and consequently set aside the endorsement of the 4th Respondent dated 07.02.2019 and to pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case.”

Learned Assistant Government Pleader for Revenue, State of Telangana, was asked to get instructions as to why the subject land has been included in the prohibitory list.

Today, the learned Assistant Government Pleader for Revenue, State of Telangana, placed before this Court the communication received from the Sub-Registrar, Outbullapur Mandal, under letter dated 14.02.2019. Perusal thereof reflects that the subject land was notified as prohibited property under Section 22-A(1)(a) of the Registration Act, 1908 (for brevity, 'the Act of 1908'), *vide* notification dated 25.9.2013.

This Court had an occasion to consider the very same notification dated 25.9.2013 earlier and also a similar notification dated 26.9.2013. Both the notifications were held to be unlawful in the context of the statutory scheme and the registration authorities

were directed to consider the documents presented by the petitioner/s therein for registration without reference to these notifications.

Perusal of the Notification dated 25.09.2013 would demonstrate that the District Collector, Ranga Reddy District, purported to issue the said Notification notifying lands under Section 22-A(1)(a) of the Act of 1908 and invited objections and suggestions from the affected people.

Section 22-A(1)(a) of the Act of 1908 prohibits registration of documents relating to transfer of immovable property, alienation or transfer of which is prohibited under any statute of the State or the Central Government. Significantly, no procedure is prescribed to the effect that a prohibitory list in relation to the lands which would be covered by Section-22-A(1)(a) of the Act of 1908 should be prepared only after calling for objections. The procedure underlying the Notification dated 26.9.2013 was therefore not sourced in any law and the orders aforesated directing the registration authorities to ignore the same cannot be said to be without basis.

In that view of the matter, the Writ Petition is disposed of directing respondent No.4 to receive and process the document presented by the petitioner without reference to the Notification dated 25.09.2013 issued by the District Collector, Ranga Reddy District. In the event the said document is found to be fit for registration, respondent No.4 shall complete the due formalities in accordance with law and release the document. However, if he still

finds any ground to exercise power under Section-76 of the Act of 1908 and refuse registration, he shall pass a reasoned order and communicate the same to the petitioner. This exercise shall be completed expeditiously and in any event, not later than one month from the date of receipt of a copy of this order. It is also made clear that mere registration of the document would not confer title upon the property covered thereby, if it is otherwise wanting, and would not preclude the Government from taking appropriate steps as warranted by law, if it seeks to assert any right or title over the said land.

Miscellaneous Petitions pending in this Writ Petition shall stand closed in the light of this final order. No order as to costs.

25th February, 2019
dr

JUSTICE SANJAY KUMAR