

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4275 of 2019

ORDER:

The petitioner challenges the intimation of refusal dated 18.02.2019 issued by the Joint Sub-Registrar-I, RO (O.B), Ranga Reddy District, informing her that the release deed presented by her for registration in relation to a property situated at Khanamet Village, Serilingampally Village, Ranga Reddy District, could not be registered for the following reason:-

‘The property mentioned in the document is government land as per notification issued by Collector, Ranga Reddy *vide* file No.ES/4733/2013/Serilingampally,Khanamet dated 26.9.2013.’

The notification dated 26.9.2013 issued by the District Collector, Ranga Reddy District, fell for consideration before this Court earlier in several cases and this Court held to the effect that the said notification is without legal basis in as much as it was purported to have been issued under Section 22-A(1)(a) of the Registration Act, 1908 (for short ‘the Act of 1908’), but the said provision did not contemplate the procedure that was followed by the District Collector while issuing the said notification. This Court therefore directed the registration authorities to consider the documents presented for registration without reference to the aforestated notification dated 26.9.2013 issued by the District Collector, Ranga Reddy District.

This being the situation, the refusal to register the release deed presented by the petitioner on the ground that the property covered thereby is mentioned in the notification dated 26.9.2013 of the District Collector, Ranga Reddy District, cannot be countenanced.

The Writ Petition is accordingly allowed setting aside the intimation of refusal dated 18.02.2019 issued by the Joint Sub-Registrar-I, RO (O.B), Ranga Reddy District. In consequence, there shall be a direction to the Joint Sub-Registrar-I, RO (O.B), Ranga Reddy District, respondent No.3 herein, to once again receive the subject release deed and process the same without reference to the notification dated 26.9.2013 issued by the District Collector, Ranga Reddy. In the event the said document is otherwise found to be fit for registration, the third respondent 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. It is however made clear that mere registration of this 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.

Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

01st March, 2019
dr

