HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4647 of 2019

ORDER:

1 The grievance of the petitioner is that the Joint Sub-Registrar-1 and 2, Registering Office, Ranga Reddy District, the third respondent, is refusing to register the sale deed presented by him in relation to Flat bearing No.204 in Second Floor of "SILVERSAND CYBERDYNE 2" with Built-up area of 1150 Square Feet including common area and One Car Parking along with undivided share of land 40.35 Square Yards out of total land 830 Square Yards constructed on House No.241/5/A/3 Part on Plot No.6 Part admeasuring 170 Square Yards or 142.12 Square Meters in Survey No.41/5 and H.No.241/5/A/1 Part on Plot No 7 and Plot No 8 Part admeasuring 660 Square Yards or 551-76 Square Metres in Sy.No.41/5 total admeasuring 830 Square Yards or 693-88 Square Meters Situated at Khanamet Village GHMC Serilingampally Circle Serilingampally Mandal Ranga Reddy District, on the strength of the Notification dated 26.09.2013 issued by the District Collector, Ranga Reddy District.

2 Sri S.Sridhar, learned counsel for the petitioner, would inform this Court that the aforesaid Notification dated 26.09.2013 was considered by the common High Court for the States of Telangana and Andhra Pradesh earlier in Writ Petition No.19069 of 2014 and the common High Court directed entertainment of the document for registration in that case without reference to the said Notification. He would also point out that similar were the observations of another learned single Judge of the common High Court for the States of Telangana and Andhra Pradesh in Writ Petition No.38491 of 2018.

3 Perusal of the Notification dated 26.09.2013 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 Registration Act, 1908 (for brevity, 'the Act of 1908') and invited objections and suggestions from the affected people.

4 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 aforestated directing the registration authorities to ignore the same cannot be said to be without basis.

5 In that view of the matter, the Writ Petition is disposed of directing the third respondent to receive and process the document presented by the petitioner without reference to the Notification dated 26.09.2013 issued by the District Collector, Ranga Reddy District. In the event the said document is 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. 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 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.

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

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JUSTICE SANJAY KUMAR

7th March, 2019.
Kvsn