

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.7966 OF 2019

DATED :17.04.2019

Between :

Kolan Rukka Reddy S/o.Late Sri K.Janga Reddy,
Aged about 68 yrs, Occu : Agriculture,
R/o.H.No.2-113, situated at Nizampet Village,
Quthbullapur Mandal, Ranga Reddy District & others.
.. Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat Building, Hyderabad & others.
.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for petitioners and learned Government Pleader for Revenue for respondents.

2. Petitioners claim to be the owners of land to an extent of Ac.11-14 guntas in Sy.No.325/A, 325/B and 325/C of Nizampet Village and Gram Panchayat, Quthbullapur Mandal, Ranga Reddy District. This writ petition is filed alleging that when petitioners intend to present the deeds of conveyance in favour of buyers of house plots in the lay out formed by the petitioners in the above extents of lands, after obtaining sanctions from the competent authorities, the Sub-Registrar, Quthbullapur Mandal, Ranga Reddy District, refused to receive the documents on the ground that the said properties are covered by the notification issued by the District Collector on 25.09.2013 and the same is illegal.

3. Learned counsel for the petitioners by placing reliance on the directions issued by this Court in several writ petitions holding that unless a notification is issued under Section 22-A of The Registration Act, 1908 (for short 'the Act, 1908'), barring registration of deeds of conveyance, the Sub-Registrar cannot refuse to receive the documents.

4. Apparently, there is no notification issued under Section 22-A of the Act, 1908. Further so far the deeds of conveyance are not presented by the petitioners, but petitioners seek

direction to receive the deeds of conveyance. No registering authority can refuse to receive the deed of conveyance when presented and only after it is received, he is entitled to scrutinize and pass appropriate orders as warranted by law. However, to balance the equities of petitioners and respondents the following directions are issued :

(i) Petitioners shall present the deeds of conveyance by paying the full stamp duty as required and on such presentation, the Sub-Registrar, shall receive and process the deeds of conveyance strictly in accordance with law, but without reference to the Gazette notification issued by the District Collector, Ranga Reddy on 25.09.2013.

(ii) If the Sub-Registrar is of the view that the property in issue is affected by any prohibition order and for any reason it cannot be accepted, he shall assign reasons and communicate the same to the petitioners. On the contrary, if the documents comply the requirements for registration and there is no prohibition for registration of documents except the Gazette notification of District Collector dated 25.09.2013, the same shall be registered and released. It is also made clear that mere registration of documents does not accrue better title to the properties. Further, this order does not preclude the Government to take appropriate steps, as warranted by law and assert its title. It is also made clear that the issue considered in this writ petition is only with reference to the Gazette Notification dated 25.09.2013 and all other aspects are left open.

5. With the above observations and directions, this Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

17th April, 2019
Rds

