

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 7997 of 2019

ORAL ORDER:

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

2. According to petitioners, they are the owners and possessors of land in Survey No. 149/AA of Pothireddy village, Sangareddy mandal and district to an extent of Ac. 1.02 guntas having purchased the same from Sri Ponna Ranga Reddy by way of unregistered sale deed (Sada Bainama) dated 4.7.2002. Taking advantage of the Government orders issued in G.O.Ms.No. 153 Revenue (Assignment-I) Department dated 3.6.2016 to regularize the Sada Bainama, petitioners applied to the Tahsildar. By the impugned endorsement dated 25.2.2019 the request of the petitioner was rejected on the ground that orders of the Government in G.O.Ms. No. 153 dated 3.6.2016 are not applicable to transfer/mutate land through unregistered sale deed as Pothireddy village falls within HMDA limits.

3. This decision is assailed primarily on the ground that Government issued orders in G.O.Ms. No. 294 Revenue (Assignment I) Department dated 19.12.2016 extending benefits of G.O.Ms. No. 153 dated 3.6.2016 to the properties located in HMDA limits also.

4. Prima facie reading of G.O.Ms. 294 dated 19.12.2016 would show that the regularization of unregistered sale transactions is also extended to the properties located in HMDA limits. Apparently, the Tahsildar has not considered the orders of the Government in G.O.Ms. No. 294 dated 19.12.2016 while examining the claim of the petitioner for validating the Sada Bainama.

5. Learned Government Pleader fairly submits that G.O.Ms. No. 294 dated 19.12.2016 is in force, however, he submits that regularization is subject to fulfillment of conditions mentioned therein and submits that matter can be remanded to the Tahsildar for consideration of the issue.

6. Having regard to the said statement and on perusal of G.O.Ms No. 294 dated 19.12.2016, it is apparent that Tahsildar erred in not considering the scope of G.O.Ms.No. 294 dated 19.12.2016 while rejecting the application submitted, therefore endorsement impugned in the writ petition is liable to be set aside on that ground and is accordingly set aside. Writ Petition is allowed, matter is remitted to the Tahsildar/third respondent to examine the claim of the petitioner for validating Sada Bainama dated 4.7.2002 to the extent of properties mentioned, duly taking note of requirements of G.O.Ms. No. 153 dated 3.6.2016 read with G.O.Ms.No. 294 dated 19.12.2016 and take appropriate decision as warranted by law within a period of six weeks from the date of receipt of copy of this order. As a As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date: 17.4.2019
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THE HON'BLE SRI JUSTICE P.NAVEEN RAO



W.P.No.7997 of 2019

17.4.2019

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