HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION Nos.9838, 9880, 10171, 10177, 10180, 7976 and 7998 of 2019

COMMON ORDER:

The petitioners in this batch of cases are aggrieved by the refusal orders passed by the Sub-Registrar, Stamps and Registration Department, SRO, Shamshabad, Rangareddy District, refusing to register the documents presented by them on the ground that the lands covered by the documents in question find mention in the list of prohibited properties.

Be it noted that the lands in question fall in various sub-divisions of Survey No.725 of Shamshabad Village and Mandal, Rangareddy District. Though the refusal orders do not specifically furnish the details of the list of prohibited properties, the material placed before this Court indicates that the Notification dated 26.9.2013 issued by the District Collector, Rangareddy District, contains the list of prohibited properties referred to in the refusal orders.

Further, it may be noted that this Court had occasion to deal with the aforestated Notification dated 26.9.2013 in Writ Petition No.5411 of 2019. A copy of the order dated 15.3.2019 passed in Writ Petition No.5411 of 2019 is placed on record. Following the earlier judgments in Writ Petition Nos.19069 of 2014 and 38491 of 2018, this Court held that Section-22-A(1)(a) of the Registration Act, 1908 (for short 'the Act of 1908'), does not prescribe a procedure to the effect that a prohibitory list in relation to lands which would be covered thereby should be prepared after calling for objections. In

effect, this Court held that the procedure underlying the Notification dated 26.9.2013 was not sourced in any law.

In terms of the aforestated order and in accordance therewith, these Writ Petitions are allowed setting aside the impugned refusal orders. In consequence, the Sub-Registrar concerned shall receive and process the documents presented by the petitioners afresh without reference to the Notification dated 26.9.2013 issued by the District Collector, Rangareddy District. In the event the said documents are found to be fit for registration, the Sub-Registrar shall complete the due formalities in accordance with law and release the documents. However, if he still finds any ground to exercise power under Section-71 of the Act of 1908 and refuse registration, he shall pass a reasoned order and communicate the same to the petitioners. This exercise shall be completed expeditiously and in any event, not later than one month from the date of receipt of the documents. It is also made clear that mere registration of the documents would not confer title upon the properties 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 lands.

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

_____

JUSTICE SANJAY KUMAR

03rd June, 2019
dr