HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION Nos.11411, 11414, 11416, 11420, 11421, 11426, 11438, 11439, 11459 and 11516 of 2019

COMMON ORDER:

The grievance of the petitioners in these cases is that the Sub-Registrar concerned is refusing to register the documents presented by them in relation to their lands on the strength of the Notification dated 26.09.2013 issued by the District Collector, Ranga Reddy District.

Learned counsel for the petitioners, 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.

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.

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.

In that view of the matter, the Writ Petitions are disposed of directing the Sub-Registrar concerned to receive and process the documents presented by the petitioners without reference to the Notification dated 26.09.2013 issued by the District Collector, Ranga Reddy 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 a copy of this order, be it from whatever source. It is also made clear that mere registration of these documents would not confer title upon the property covered thereby, if they are 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.

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JUSTICE SANJAY KUMAR

Date:12.06.2019
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