

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.12338 of 2019

ORDER:

The petitioner is aggrieved by the refusal order passed by the Joint Sub-Registrar, Stamps and Registration Department, RO (OB), Ranga Reddy District, refusing to register the document presented by him on the ground that the land covered by the document in question finds mention in the list of prohibited properties.

Be it noted that the land in question falls in Survey No.44/1 of Maktha Mahboobpet Village, of Serilingampally Mandal, Rangareddy District. Though the refusal order does 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 order.

Further, it may be noted that this Court had occasion to deal with the aforesaid 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, the Writ Petition is allowed setting aside the impugned refusal order. In consequence, the Joint Sub-Registrar, Stamps and Registration Department, RO (OB), Ranga Reddy District, shall receive and process the document presented by the petitioner afresh without reference to the Notification dated 26.9.2013 issued by the District Collector, Rangareddy District. In the event the said document is found to be fit for registration, the Sub-Registrar 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-71 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 the document. It is also made clear that mere registration of the 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.

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

21st June, 2019
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JUSTICE SANJAY KUMAR