

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15034 OF 2019

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

2. In this writ petition, petitioner is challenging the action of the registering authorities in refusing to receive and register the Gift Settlement Deed dated 16.07.2019 in respect of Plot No.B-1/101 in 'B.K.Enclase' admeasuring 303 sq. yards in survey No.44/4 (old No.44), situated in Maktha Mahaboobpet Village, Serilingampally Mandal, Ranga Reddy District, on the ground that it is included in the District Gazette notification dated 26.09.2013.

3. The issue of inclusion of properties in the prohibited list under Section 22-A of the Registration Act, 1908 (for short, 'the Act') was considered by the Full Bench of this Court in **VINJAMURI RAJAGOPALA CHARY v. STATE OF ANDHRA PRADESH**¹ giving several directions. Insofar as this Writ Petition is concerned, paragraph No.25.3 of the said judgment is relevant whereunder the District Collector is vested power to notify the District Registrar/Registering Authority that the subject properties are Government properties and no deed of conveyance can be entertained. However, in the case on hand, what was issued by the District Collector was only a notification calling for objections and so far he has not exercised the power vested under Section 22-A of the Act. The issue of inclusion of properties in the prohibited list, not accepting the documents for registration and

¹ 2015 (3) ALT 96

the scope of Section 22-A of the Act were elaborately considered by the Full Bench of this Court.

4. It is also appropriate to note at this stage that the decision of the Full Bench of this Court was carried to the Supreme Court in Civil Appeal No.4019 of 2018 and batch. The Supreme Court granted liberty to the petitioners therein and any other aggrieved person to challenge the validity of Section 22-A of the Act and directed the Full Bench to decide the said validity. The Supreme Court has also granted interim direction of registration of deeds of conveyance, but such registration was directed to be treated as provisional subject to the result of the writ petitions now pending before the High Court and the parties should not claim any additional equity. The Gazette notification dated 25.09.2013 was considered in W.P.No.4924 of 2019. The relevant paragraph of the judgment dated 11.03.2019 reads as under:

“In that view of the matter, the Writ Petition is disposed of directing the third respondent to receive and process the document presented by the petitioner without reference to the Notification dated 25.09.2013 issued by the Collector, Medchal-Malkajgiri District. In the event, the said document is found to be fit for registration, the third respondent 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 76 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 a copy of this order, be it from whatever source. It is also made clear that mere registration of this 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.”

5. Following the said decision, several other Writ Petitions were disposed of. Therefore, following the earlier decision in W.P.No.4924 of 2019, dated 11.03.2019, this Writ Petition is also disposed of directing the registering authority to receive and process the document presented by the petitioner without reference to the notification dated 26.09.2013 issued by the Collector, Malkajgiri Division, Quthubullapur Mandal, Ranga Reddy. In the event the said document is found to be fit for registration, the registering authority 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 76 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 a copy of this order, be it from whatever source. It is also made clear that mere registration of this 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. There shall be no order as to costs. Miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

22nd July, 2019
sur