

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

Writ Petition No.16796 of 2019

Between:

Peechara Viplav Kumar

... Petitioner

And

The State of Telangana,
Rep.by Principal Secretary to Government,
Revenue Department,
Secretariat Buildings,
Saifabad, Hyderabad and others.

... Respondents



THE HONOURABLE SRI JUSTICE P.NAVEEN RAO**Writ Petition No.16796 of 2019****ORDER:**

Petitioner claims that he is the owner and in possession of land to an extent of Acs.15.07 gts., in Sy.Nos.10/D, 11, 67, 118/B, 120/D, 121/D, 659/3, 660, 959/B, 988/B, 989/D with Khata No.601 of Regonda Revenue Village.

2. Petitioner claims that he was issued Pattadar Pass Book and title deeds and his name is mutated in 1B ROR and he also obtained crop loan from United Commercial Bank against an extent of land. Petitioner also enclosed to the writ petition paper book the Aadhar Card of himself and other details.

3. Petitioner challenges the agreement of sale cum General Power of Attorney registered by the Sub Registrar, 4th respondent, on 31.12.2018 bearing Document No.3602 of 2018. According to petitioner, the said agreement of sale cum General Power of Attorney covering an extent of Acs.9.03 guntas of the total extent of land owned by him in Sy.Nos.10/D, 67, 91/C, 92/B, 99/B, 100/B, 118/B, 659/3, 660 is entered into by producing fraudulent Aadhar Card and Pattadar Pass Book in violation of Provisions of Section 6D of the Act, 1971. Therefore, the petitioner seeks declaration that the said transaction is fraudulent transaction, illegal, arbitrary and in violation of Article 300A.

4. The contention of the learned counsel for petitioner is that the documents, based on which he allege that the agreement of sale cum General Power of Attorney was presented for registration is fraudulent and not a valid document and unofficial respondents have no manner of right and title

on the said property to undertake sale transaction. Therefore, the same should be declared as null and void.

5. In other words, it is the case of the petitioner that by producing false documents of identity and ownership claim, documents were presented for registration. Section 83 of the Registration Act deals with commencement of prosecution if any offence is committed under the Provisions of the Act. Thus the competent authority is entitled to launch prosecution if fraudulent documents are produced or false identification is made when presented before the Sub Registrar/Registering Authority to carryout any transaction before him. Prosecution so launched can result in imposition of penalties as prescribed in Part XIV of the Act.

6. In addition to the said Provisions, it is always open to the aggrieved person to avail civil law remedy to seek a declaration to hold the document as null and void and *non est* in the eye of law alleging that playing fraud such sale transaction was undertaken. Thus aggrieved person has effective remedies.

7. Further, in the manner in which the prayer is sought necessarily requires deciding the fraudulent nature of documents presented for identification of the persons, the validity of the documents by leading evidence, oral as well as documentary. In exercise of power of judicial review, writ Court cannot enter into disputed questions of fact. Further, once the document is registered, the Registering authority has no competence to rescind/ recall.

8. Having regard to the same, this Writ Petition is dismissed leaving it open to the petitioner to workout remedies as available to him against the

alleged illegal transaction on the property claimed to be belonging to the petitioner.

9. As a sequel, miscellaneous applications if any pending, shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 07.08.2019
LSK

