

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

**WRIT PETITION Nos.17100, 20911, 20965, 20979, 21005 &
21467 OF 2019**

DATED :24.10.2019

W.P.No.17100 of 2019 :

Between :

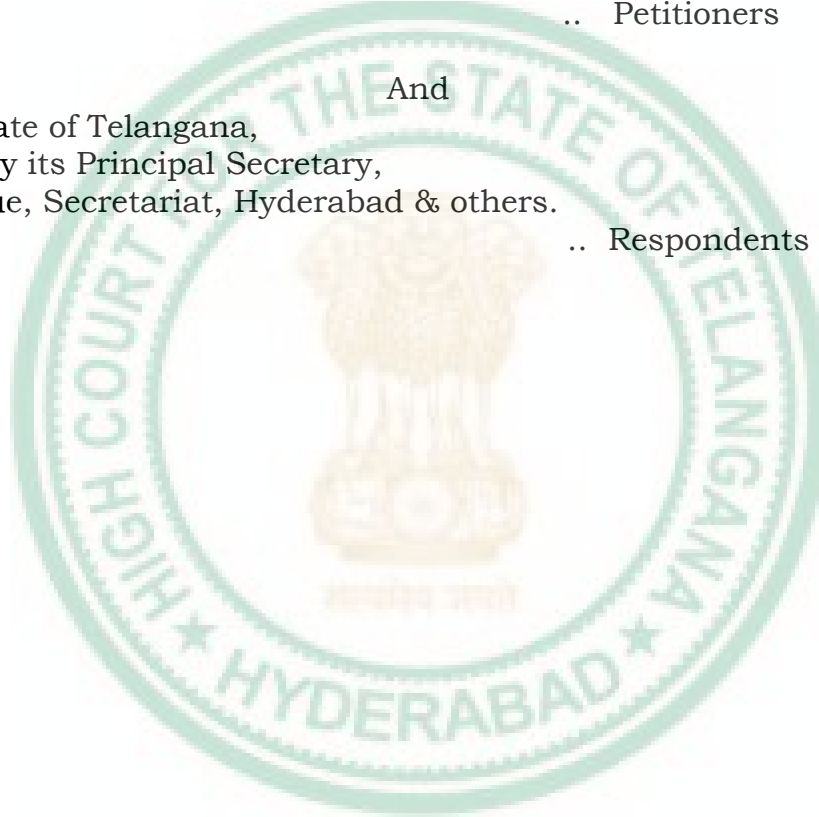
Kandukuri Lakshmi Venkateshwara Rao,
S/o.Late Narsing Rao,
Aged about 49 yrs, Occu : Pvt. Service.
C/o.4-8-570 to 574, Near Ram Mandir,
Gowliguda, Hyderabad & others.

.. Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue, Secretariat, Hyderabad & others.

.. Respondents



This court made the following :

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

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COMMON ORDER :

Heard Sri V.Ravinder Rao, learned Senior Counsel appearing on behalf of Sri.M.Dhananjay Reddy, learned counsel for petitioners in W.P.No.20911, 20965, 20979, 21005 and 21467 of 2019, Sri T.Sharath, learned counsel for the petitioners in W.P.No.17100 of 2019 and learned Government pleader for Revenue for respondents in all the writ petitions.

2. In W.P.Nos.21005, 20911, 26965, 20979 and 21467 of 2019, petitioners are aggrieved by the action of District Registrar, Yadadri Bhuvanagiri District and Sub-Registrar, Choutuppall, Yadadri District, including the lands in Sy.Nos.660 to 665, 650 and 666 of Malkapur Village in the list of prohibited properties and not registering the deeds of conveyance. Petitioners came to know that on the ground that the petitioners' lands are included in the prohibited list of properties as ceiling surplus lands, their documents are not registered. However, no reasons were assigned why the documents are not registered. Petitioners came to know that the Sub-Registrar, was not accepting the deeds of conveyance for registration on the ground that this Court passed interim order in I.A.No.01 of 2019 in W.P.No.17100 of 2019.

3. According to learned Senior Counsel, the direction of this Court was that if the land in Sy.No.646 to 668 is included in the prohibited list of properties, the Sub-Registrar, who was 3rd respondent therein, should not entertain any document concerning

the said land. He would therefore, submits that as long as the properties are included in the prohibited list, he cannot entertain the documents, but the Sub-Registrar was refusing to register on the ground that in the year 2012 he received communication including the above survey numbers in the prohibited list showing the properties as ceiling surplus lands and that the Court directed to include the land in prohibited list and not to grant registration.

4. Learned Senior Counsel submits that initially agricultural land to an extent of Ac.374-00 in Sy.No.646 to 668 except 653 of Malkapur Village, Choutuppal Mandal, belong to Kandukuri Venkata Swamy. He died leaving his son Kandukuri Narsing Rao, and his wife Kandukuri Laxmi Narsamma. After coming into force A.P.Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for short 'the Act, 1973'), Sri Kandukuri Narsing Rao, filed declaration in C.C.No.2614/1975, Smt K.Laxmi Narsamma filed declaration in C.C.No.2615/1975. In the initial declaration, the declarants have shown land in Sy.Nos.665 (Ac.13-00), 663 (Ac.14-00), 664 (Ac.15-00), 660 (Ac.10-36), 668 (Ac.15-06) and 666 (Ac.5-00) in all Ac.72-42 as part of ceiling surplus land as part of the entire extent of ceiling surplus land of Ac.164-00. Later certain objections were raised against inclusion of above extents of land as surplus land of the original landlords. On consideration of the objections, the Land Reforms Tribunal issued orders deleting that extents of land from the ceiling surplus lands and in lieu there of added Ac.73-17 in Sy.No.647/1 to 4 and 651. It appears these proceedings have become final. That being so, he would submit, the Sub-Registrar could not have refused to register the deeds of conveyance by showing the land as ceiling surplus land any more.

5. In W.P.No.17100 of 2019, petitioners seeks direction to Sub-Registrar-3rd respondent in entertaining and registering the land in Sy.Nos.646 to 668 of Malkapur Village, having notified under the prohibited list and not following his own notification as illegal.

6. Learned counsel for petitioners in W.P.No.17100 of 2019 Sri T.Sharat fairly submits that the decision of Land Reforms Tribunal has become final. However, he submits that as long as land parcels are included in the prohibited list of properties, the registering authority cannot entertain deeds of conveyance.

7. In the counter affidavit filed in W.P.No.17100 of 2019 deposed by Tahsildar, who is the 4th respondent in W.P.No.21005 of 2019, he admits of the developments under the Act, 1973 and change of ceiling surplus land area. According to the deponent, in the year 2012, list of prohibited properties was furnished and in the said list, the land parcels as per original declaration were shown as ceiling surplus land including the above extents of land. After the information furnished to the Registration Department, the proceedings were reviewed and having regard to the subsequent orders of the Land Reforms Tribunal, revised orders were issued deleting the above extents of land from the list of prohibited properties and accordingly letter No.B/5010/2018 dated 30.11.2018 was communicated to the Registration department informing that the above extents of land are deleted from the list of prohibited properties.

8. The pleadings in W.P.No.17100 of 2019 would go to show, according to petitioners the above extents of land are included in the prohibited list of properties along with other extents of land covering the entire land of those survey numbers, which is about

Ac.340-00. The obvious plea of the petitioners appears to be that as the above extents of land are also included in the prohibited list of properties, deeds of conveyance cannot be accepted by the registering authority.

9. In W.P.No.17100 of 2019 the following order was passed on 09.08.2019 :

“As long as the land in survey Nos.646 to 668 of Malkapur Village, Choutuppal; Mandal, Nalgonda District, is included in the prohibitory list of properties, the 3rd respondent shall not entertain any document concerning the said lands.”

10. Strangely, the Sub-Registrar takes an extreme stand as if the Court directed him to include properties in the prohibited list and refuse to honor the request of petitioners in W.P.Nos.20911, 20965, 20979, 21005 and 21467 of 2019 to receive deeds of conveyance. He also seems to have ignored the subsequent correspondence deleting the properties on which these petitioners wanted to submit deeds of conveyance referred to above. Notice was issued by the counsel for the said petitioners bringing to the notice of Sub-Registrar, Choutuppal that the land parcels are no more included in the prohibited list of properties and therefore he cannot refuse to register. In reply, vide letter No.255/2019 dated 11.09.2018 filed in W.P.No.21467 of 2019, the Sub-Registrar, informs the counsel on record that the High Court passed orders in I.A.No.1 of 2019 in W.P.No.17100 of 2019 on 09.08.2019, extracted above, and in view there of, his decision is within the **“Statute and followed the direction of the High Court in letter and spirit”** and therefore the request to delete the land in Sy.Nos.660, 664 and 665 of Malkapur Village from the prohibited list of properties in the records and website of the Registration

Department was not possible unless a specific direction is issued by the Hon'ble High Court.

11. This clearly shows that deliberately or otherwise the Sub-Registrar is reading into the interim order passed by this Court in W.P.No.17100 of 2019 in a different manner.

12. From a reading of the interim order in W.P.No.17100 of 2019, extracted above, it is clear that the Court only wanted him not to entertain deeds of conveyance as long as Sy.Nos.646 to 668 of Malkapur Village are included in the prohibited list of properties. Even before the said order was passed, the revenue authorities have deleted the land parcels forming part of Sy.Nos.660, 663, 664, 665, 666 and 668 in all Ac.72-42 from prohibited list and have also gave a communication to him. For the reasons best known, he ignores the communication and reads into something which is not said by this Court and unnecessarily delays registration of documents. The said conduct of the Sub-Registrar is highly deprecated and he is warned to be careful in future.

13. As noted above, the above extents of land are no more ceiling surplus lands in view of the orders passed by the authority under the Act, 1973 and in their place some other lands are substituted and that extents of land have become the ceiling surplus lands. Having realized the mistake, the revenue authorities have already rectified and furnished revised list of ceiling surplus lands and deleted all the above extents of land from the list of prohibited properties.

14. In view thereof, the prayer in W.P.No.17100 of 2019 does not survive for consideration. Accordingly, W.P.No.17100 of 2019 is

disposed of. It is needless to observe that the registering authority cannot entertain the documents on Sy.Nos.646 to 668 of Malkapur Village as long as any of the parcels of land in those survey numbers other than the land claimed by petitioners in other writ petitions are included in the prohibited list. However, it is made clear that petitioners can work out their remedies as available in law on any other issue.

15. W.P.Nos.20911, 20965, 20979, 21005 & 21467 OF 2019 are allowed. The respondent registering authorities are directed to receive the deeds of conveyance/or any other document for registration as and when presented by petitioners/on their behalf on land in Sy.Nos.665 (Ac.13-00), 663 (Ac.14-00), 664 (Ac.15-00), 660 (Ac.10-36), 668 (Ac.15-06) and 666 (Ac.5-00) in all Ac.72-42 with requisite stamp duty, process the same and register the documents, if they are otherwise, in order. If for any other reason, the documents cannot be registered, the Sub-Registrar, shall assign reasons in support of the decision and communicate the same to the petitioners. Appropriate action shall be taken within a period of four weeks from the date of presentation of the documents. Pending miscellaneous petitions, if any, shall stand closed.

24th October, 2019
Rds

P.NAVEEN RAO,J