

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 22804 of 2019

Date : 21.10.2019

Between:

K Janardhan Reddy S/o Dr K Ram Reddy
R/o B 33, Shantishikara complex, Raj Bhavan Road
Hyderabad and others

Petitioner

And

The State of Telangana
Rep by its Secretary,
Revenue Department, Secretariat, Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

The grievance of the petitioners is that the Joint Sub Registrar-I(RO), Ranga Reddy District, the 4th respondent, is refusing to register the sale deed presented by them in relation to Plot No.129 admeasuring 500 sq. yards in Sy.No.5/3 situated at Raidurgpanmaqtha Village, Serilingampally Mandal, under GHMC Serilingampally Circle, Ranga Reddy District, on the strength of the Notification dated 26.09.2013 issued by the District Collector, Ranga Reddy District.

2. 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.23574 of 2014. 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.

3. 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.

4. In that view of the matter, the Writ Petition is disposed of directing the 4th respondent to receive and process the document presented by the petitioner without reference to the Notification dated 26.09.2013 issued by the District Collector, Ranga Reddy District. In the event the said document is found to be fit for registration, the 4th 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. 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. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:21-10-2019
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