HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.4010 of 2015

ORDER:

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.30-07-2015 in I.A.No.395 of 2015 in O.S.No.119 of 2008 of the Senior Civil Judge at Sathupally.

2. Petitioner is 1st defendant in the suit.

3. The said suit was filed for recovery of possession and future profits against petitioner by respondent Nos.1 to 4.

4. In the written statement filed by petitioner, he set up a plea that he purchased a portion of the suit schedule property under an unregistered sale deed dt.06-09-1976.

5. When the said document was sought to be marked in evidence, an objection was raised by respondents that it is an unregistered and unstamped document and is inadmissible in evidence.

6. Counter-affidavit was filed by petitioner opposing the said application and taking the plea that the prohibition contained in Section 49 of the Registration Act, 1908 is not applicable to the said document.

7. By order dt.30-07-2015, the Court below allowed the said application and held that it was not only insufficiently stamped but was also unregistered, and therefore it is inadmissible in evidence.

8. Assailing the same, this Revision is filed.

9. Learned counsel for petitioner placed reliance on Section 5-A(4) of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short "the Act") which permits regularization of certain alienations or other transfers of lands. The said provision states:

> *"5-A. Regularisation of certain alienations or other transfers of lands:*
>
> *(1) xxxx*
>
> *(2) xxxx*
>
> *(3) xxxx*
>
> *(4) The Mandal Revenue Officer on deposit of an amount specified in sub-section (2), shall issue a certificate to the alienee or transferee declaring that the alienation or transfer is valid from the date of issue of certificate and such certificate shall, notwithstanding anything contained in the Registration Act, 1908 be evidence of such alienation or transfer as against the alienor or transferor or any person claiming interest under him."*

10. He therefore contended that the document in question is to be received in evidence even if it is unregistered notwithstanding anything contained in the Registration Act, 1908.

11. Learned counsel for respondents, however, refuted the said contention and pointed out that Section 5-A(4) of the Act refers to only the "certificate issued by the Mandal Revenue Officer that the alienation or transfer is valid to be received in evidence of such alienation or transfer" as against the alienor or transferor or any person claiming interest under him, and it does not refer to unregistered sale deeds at all.

12. I agree with this contention of the learned counsel for respondents and hold that Section 5-A(4) of the Act does not apply and make admissible an unregistered sale deed and only permits the certificate issued by the Mandal Revenue Officer under that provision to be admissible.

13. In this view of the matter, I do not find any error of jurisdiction in the order passed by the Court below warranting interference by this Court in exercise of its power under Article 227 of the Constitution of India.

14. Therefore I do not find any merit in the Civil Revision Petition and it is accordingly dismissed. No costs.

15. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27-02-2019
Vsv