

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.23224 OF 2019

Date:24.10.2019

Between:

Kommalapati Karthik,
S/o. K. siva Koti Prasad

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, (Revenue),
Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.23224 OF 2019

ORDER:

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

2. This Writ Petition is filed alleging that the registering authorities are refusing to register and release the sale deed in respect of residential Flat No.302, Third Floor with built up area of 1660 sq. feet, admeasuring 60 sq. yards in Plot Nos.M-13 & M-14 in Survey No.329/4 and 329/5 of Chennakeshava Nagar of Gajularamaram Village, Quthubullapur Mandal, Medchal Malkajgiri District, on the ground that it is included in the District Gazette Notification dated 25.09.2013.

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.

4. 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.

¹ 2015 (3) ALT 96

The issue of inclusion of property in the prohibited list, not accepting the documents for registration and the scope of Section 22-A of the Act were elaborately considered by the Full Bench of this Court.

5. 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 High Court 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.

6. A similar Gazatte Notification dated 26.09.2013 was considered in W.P.No.19069 of 2014. Paragraph No.12 of the judgment dated 25.08.2014 reads as under:

“Hence, the Writ Petition is disposed of directing the Sub-Registrar to receive and process the deeds of conveyance without reference to the District Gazette notification dated 26.09.2013 in accordance with the Indian Registration Act, 1908 and the Indian Stamp Act, 1899. However, it is open to the registering authority to refuse to register the deeds presented before him, if he has any other objection, by duly assigning reasons in support of such decision and communicate the decision to the petitioners. It is made clear that mere registration of deed of conveyance does not confer title to the property and it is made clear that this order does not preclude the Government to take appropriate steps as warranted by law and to assert its title. No costs.”

7. In view thereof, following the earlier decision in W.P.No.19069 of 2014, dated 25.08.2014, this Writ Petition is also disposed of directing the registering authority to receive and process the subject document without reference to the District Gazette Notification dated 25.09.2013 subject to compliance of the provisions of the Indian Registration Act, 1908 and Indian Stamp Act, 1899. It is also open to the registering authority to refuse to register the document presented before him, if he has any other objection, by duly assigning the reasons in support of such decision and communicate the said decision to the petitioner. It is made clear that mere registration of document does not confer title to the property. It is also made clear that this order does not preclude the Government/District Collector to take appropriate steps as warranted by law and to assert its title. There shall be no order as to costs. Miscellaneous petitions, if any, shall stand closed.

Date:24.10.2019

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P.NAVEEN RAO, J