

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.27450 of 2019

O R D E R :

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

2. This Writ Petition is filed seeking Mandamus declaring the action of the respondent No.3 i.e., The Sub-Registrar, Quthbullapur, Medchal-Malkajgiri District, in refusing to receive and register the Sale Deed presented by the Petitioner in respect of Plot No 494/Part, admeasuring 100 Sq. Yards, in Sy.Nos.329/3/Part and 329/8/Part, situated at Gajularamaram Village, under GHMC Circle, Quthbullapur Mandal, Medchal-Malkajgiri District, on ground that the survey numbers where the Petitioners property is situated i.e., 329 is notified as prohibited property under Section 22-A of the Registration Act vide Gazette Notification R.R. No.83, communicated by the Joint Collector, Ranga Reddy, vide File No.E5/4730/Quthbullapur/Gajularamaram, dated 25.09.2013 and Deputy Collector and Tahsildar, Quthbullapur Mandal, File No.B/583/2012, dated 17.02.2012, is illegal, arbitrary, in violation of Articles 14, 21 and 300-A of the Constitution of India and also in violation of the Registration Act, 1908, besides in violation of the principles of natural justice, and consequently, direct respondent No.3 herein to receive and register the Sale Deed

presented by the Petitioner in respect of Plot No 494/Part, admeasuring 100 Sq. Yards, in Sy.Nos.329/3/Part and 329/8/Part, situated at Gajularamaram Village, under GHMC Circle, Quthbullapur Mandal, Medchal-Malkajgiri District.

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. The issue of inclusion of properties 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.

¹ 2015 (3) ALT 96

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 Gazette 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. Following the said decision, several other Writ Petitions were disposed of.

8. 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/receive the document presented before him, if he has any other objection, by duly assigning 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. No order as to costs.

9. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE P. NAVEEN RAO

11.12.2019.
Msr

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