

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.39497 of 2018

ORDER:

Challenge in this writ petition is to the action of the authorities in notifying the land admeasuring Acs.15-15 guntas in Sy.No.90/A of Kukatpally Village, Kukatpally Mandal, Medchal-Malkajgiri District, as Government poramboke land under Section 22-A of the Registration Act, 1908 (*for brevity*, 'the Act of 1908'), *vide* Notification dated 26.09.2013.

This very notification fell for consideration before a learned Judge of the common High Court for the States of Telangana and Andhra Pradesh, Hyderabad, in W.P.No.19069 of 2014. The learned Judge took note of the submission made by the then learned Advocate General that no notification had been issued under Section 22-A(2) of the Act of 1908 and that only upon examination of the report submitted by the District Collector, appropriate action as warranted by law and more particularly, under Section 22-A(2) of the Act of 1908, would be taken. The learned Judge thereupon recorded that in the light of the submission made by the then learned Advocate General, it was clear that the notification dated 26.09.2013 is not a notification under Section 22-A(2) of the Act of 1908 and as there was no notification under Section 22-A(2) of the Act of 1908, there was no restraint on the registering authority to receive and process the deeds of conveyance concerning the lands covered by the said notification.

Thereafter, in W.P.No.1003 of 2019, on the strength of the aforestated judgment, this Court noted that 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 and that no procedure

is prescribed to the effect that a prohibitory list in relation to the lands covered by this provision should be prepared after calling for objections. In that view of the matter, this Court held that the procedure underlying the notification dated 26.09.2013 was not sourced in any law and disposed of the writ petition with directions.

In the light of the aforestated adjudications, it is clear that the impugned notification dated 26.09.2013, being one purportedly issued in exercise of power under Section 22-A(1)(a) of the Act of 1908, cannot operate as a restraint on the registering authorities.

The writ petition is accordingly allowed declaring that the inclusion of the petitioners' land in the notification dated 26.09.2013 as a Government poramboke land would not have any legal force in terms of restraining the registration authorities from entertaining and processing documents for registration presented in relation to the petitioners' land. It is however made clear that mere registration of the document(s) 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 asserts any right or title over the said land.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:28.01.2019

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