THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.4744 OF 2020

O R D E R

Against the entries made in the revenue records in respect of the subject lands, the 7th respondent – District Wakf Officer, Mahabubnagar, filed revision under Section 9 of the Telangana Rights in Land and Pattedar Pass Books Act, 1971 on the file of 3rd respondent – Joint Collector, Mahabubnagar, and the same has been numbered as case No. D1/10/2010, and vide order dated 30.01.2020, the 3rd respondent directed the 4th respondent – Tahsildar, not to effect any changes in all the revenue records until further orders and report compliance, and also ordered notice. Aggrieved by the action of the 3rd respondent in entertaining the revision and passing the above said direction, and also the action of respondents 5 and 6, in not receiving and registering the sale deeds presented by the petitioners in respect of the subject lands, and in insisting 'No Objection Certificate' (NOC), from the revenue authorities, the present writ petition has been filed.

Learned counsel for the petitioners submit that this court in W.P.No.14094 of 2010 dated 10.01.2010, considering the very same issue, which is involved in the present writ petition, held that the entertaining the revision by the 3rd respondent, is not only premature, but also highly misplaced and accordingly set aside the notice issued in the revision. Learned counsel submits that similar order may be passed in the present writ petition, and the registration authorities – respondents 5 and 6, may be directed to receive and register the documents presented by the petitioners without insisting from NOC from the revenue authorities.

Mr. Farhan Azam Kham, learned Standing Counsel for the Wakf Board, appearing for 7th respondent, while not disputing that the issue involved in the present writ petition is squarely covered by the order passed by this court in W.P.No.14094 of 2010 dated 10.01.2020, submits that as the first appeal filed by the District Wakf Committee in A.S.No.686 of 2008 is pending on the file of this court, any registrations and the consequential entries in the revenue records, may be made subject to the result of the first appeal.

Heard the learned Assistant Government Pleaders for Revenue, and Stamps and Registration for respondents 1 to 6.

Having regard to the facts and circumstances of the case and the submissions of the learned counsel, for the reasons alike which are recorded in W.P.No.14094 of 2010 dated 10.01.2020, the revisional proceedings on the file of the 3rd respondent in D1/10/2010 dated 30.01.2010, are set aside.

The registration authorities – respondents 5 and 6, are directed to receive and register the sale deeds presented by the petitioners in respect of the subject lands without insisting NOC from the revenue authorities, provided the documents presented by the petitioners are in order as per the as per provision of the Indian Stamp Act, 1899 and the Registration Act, 1908 and the Rules made there under.

It is made clear that the registrations and the consequential mutation in the revenue records, are subject to the result of A.S.No. 686 of 2008, which is pending adjudication on the file of this court.

Writ petition is disposed of accordingly.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

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A.RAJASHEKER REDDY,J

DATE:06—03—2020

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