

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 7820 OF 2021

Between:

Jaya Prakash Kundarapu, S/o.Sri K.Damodar, aged about 44 years, Occ Software Engineer. R/o.H.No.11-24-107, Shatavahanapuri, Desai Road, Warangal, Warangal District, Rep. by his GPA Holder Kontham Jalander Reddy S/o.K.Swamy Reddy aged about 47 years, Occ: Business, R/o.H.No.2-2-22/P, Flat No.503, Aakash Residency, Aziz Bagh, D.D.Colony, Hyderabad.

...PETITIONER

AND

1. State of Telangana, rep. by its Principal Secretary, Revenue (Stamps and Registration) Department, Secretariat, Hyderabad.
2. The District Registrar, Stamps and Registration Department, Ranga Reddy District.
3. The Sub Registrar, Stamps and Registration Department SRO, Shamshabad, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents more particularly the 3rd respondent in refusing to register the documents presented by the petitioner in respect of land bearing plot no.120 admeasuring 378 sq. yards, under sy.nos.19/20, 19/22, 19/23, 19/25, 19/26 and 19/48, situated at Lakshmi Meridian City, Ammapally Village, Shamshabad Mandal, Ranga Reddy District, on the ground of issuance of the Notification dated.26/09/2013 issued by the District Collector, Ranga Reddy District, as illegal, arbitrary, unjust, unconstitutional, violation of principles of natural justice and also contrary to the provisions of Registration Act, 1908, and consequently direct the respondents 2 and 3 to register and release the documents presented by the petitioner in respect of subject land without reference to the Notification dated.26/09/2013 issued by the District Collector, Ranga Reddy District.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents 2 and 3 to receive, register and release the documents presented by the petitioners in respect of land bearing plot no.120 admeasuring 378 sq. yards, under sy.nos.19/20, 19/22, 19/23, 19/25, 19/26 and 19/48, situated at Lakshmi Meridian City, Ammapally Village, Shamshabad Mandal, Ranga Reddy District, without reference to the Notification dated.26/09/2013 issued by the District Collector, Ranga Reddy District, pending disposal of the writ petition.

Counsel for the Petitioner: SRI. MOHD. MOIN AHMED QUADRI

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.7820 of 2021

ORDER:

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

2. This Writ Petition is filed alleging that the registering authorities are refusing to register and release the Sale Deed in respect of property bearing Plot No.120 admeasuring 378 Square yards in Sy.Nos.19/20, 19/22, 19/23, 19/25, 19/26 and 19/48 of Lakshmi Meridian City, Ammapally Village, Shamshabad Mandal, Ranga Reddy District, on the ground that it is included in the District Gazette Notification dated 26.09.2013.

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. The issue of inclusion of properties in the prohibited list, not

¹ 2015 (3) ALT 96

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 Appal 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. The 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 26.09.2013 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 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.

..//TRUE COPY//

SD/-I.NAGALAKSHMI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The District Registrar Stamps and Registration Department R.R.Dist
2. The Sub Registrar, Stamps and Registration Department SRO, Shamshabad, Ranga Reddy District.
3. One CC to Sri Mohd. Moin Ahmed Quadri Advocate [OPUC]
4. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies

CHR



HIGH COURT

DATED:31/03/2021

ORDER

W.P.No.7820 of 2021



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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HMA
18/4/2021