

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

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 16746 OF 2021

Between:

Mahesh Kumar, S/o.late Chimanlal, aged about 55 years, Occ: Business,
R/o.Flat No.201, US Residency, Palace Colony, Basheerbagh, Hyderabad.

...PETITIONER

AND

1. State of Telangana, rep. by its Principal Secretary, Revenue (Stamps & 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 receive and register the sale deed presented by the petitioner in respect of land bearing sy.no.459 admeasuring Ac.5-05 Gts., situated at Shamshabad Village and 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 receive, register and release the sale deed 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 sale deed presented by the petitioner in respect of land bearing sy.no.459 admeasuring Ac.5-05 Gts., situated at Shamshabad Village and 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: AGP FOR REVENUE

The Court at the stage of admission made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.16746 of 2021

ORDER:

Heard Sri Mohd.Moin Ahmed Quadri, learned counsel for the petitioner and learned Assistant Government Pleader for Revenue appearing for the respondents.

2. This Writ Petition is filed alleging that the registering authorities are refusing to receive and register the sale deed presented by the petitioner in respect of land bearing Survey No.459, admeasuring Ac.5-05 guntas, situated at Shamshabad Village and 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 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. 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. Learned Assistant Government Pleader points out that though notification, dated 26.09.2013, was set aside by this Court and therefore reference to the said notification to reject the deeds of conveyance presented before the registering authority cannot be valid, but the property deeds may have been affected by any other statutory provision and merely because the gazette notification is set aside, the petitioner cannot seek to register the deeds of conveyance without first requesting for deletion of the properties from the list of prohibited properties affected by various statutory provisions such as the Telangana Assigned Lands (Prohibition of Transfers) Act, 1977 and the Telangana Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 etc.,

9. I see merit in the submission of learned Assistant Government Pleader.

10. In view of the submission of learned Assistant Government Pleader, the writ petition is disposed of, granting liberty to the petitioner to present the deed of conveyance in compliance of the Indian Registration Act, 1908 and the Indian Stamp Act, 1899 and the Rules made thereunder. On presenting the document, the registering authority shall receive and process the subject document without reference to the District Gazette notification dated 26.09.2013. However, he shall verify whether the property in issue is affected by any other prohibition clause while processing the document for registration. He shall register and release the document only if the property is not affected by any other statutory

restriction and is clear from any dispute. These directions also subject to State or authority for taking further steps as directed consequent to the judgment rendered in WP.No.19069 of 2014, dated 25.08.2014. It is made clear that mere registration of document does not confer title to the vendee. 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.

SD/-K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

Gn
SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Stamps and Registration) Department, State of Telangana 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.
4. One CC to Sri Mohd. Moin Ahmed Quadri, Advocate [OPUC]
5. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies
7. One Spare Copy

CHR

HIGH COURT

DATED:23/07/2021

ORDER

W.P.No.16746 of 2021



**DISPOSING OF THE WRIT PETITION
AT THE STAGE OF ADMISSION
WITHOUT COSTS**

[Handwritten signature]
05/08/2021