

THE HON'BLE THE CHIEF JUSTICE UJJAL BHUYAN

AND

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

W.A.Nos.690, 691, 694, 695, 696, 697, 698, 699 & 700 of 2022

COMMON JUDGMENT: *(Per the Hon'ble the Chief Justice Ujjal Bhuyan)*

We have heard Ms. Madhavi Priya Manthena, learned counsel for the appellants and Mr. Raja Sripathi Rao, learned Government Pleader for Stamps and Registration for respondents No.1 to 4.

2. All these appeals arise out of the common order dated 05.09.2022 passed by the learned Single Judge dismissing writ petition Nos.5916, 7274, 7290 and 8417 of 2020 and writ petition Nos.26010, 26014, 26021, 26024 and 26036 of 2021 filed by the appellants as the writ petitioners.

3. It appears that learned Single Judge grouped the aforesaid batch of writ petitions into two batches; the first batch pertaining to the year 2020 and the second batch pertaining to the year 2021. In the first batch, the prayer made was for quashing the order of the Sub-Registrar, Gandipet (respondent No.4) dated 01.05.2018 refusing to register the documents presented by the appellants in respect of the subject land. Further prayer made was for quashing

of the order of respondent No.3 *i.e.*, District Registrar, Ranga Reddy District dated 24.01.2020 affirming the order of respondent No.4 dated 01.05.2018.

4. The subject land is situated in survey Nos.293, 294 & 295 of Puppalaguda Village, Gandipet Mandal in Ranga Reddy District.
5. Reasons assigned by the Sub-Registrar for refusing to register the documents presented by the appellants in respect of the subject land in his order dated 01.05.2018 are as under:

It is agricultural property out of Survey No 295 of Puppalguda Village, Gandipet Mandal, Ranga Reddy District. The document is executed by Smt. Jyoti Naraindas and others. As for 6(B) and 6(D), Telangana State R.O.R. Act, 1971 and as per instructions of C&I.G, for registration of agricultural land the name of the vendor should have been entered in R.O.R.1B and also the vendor should produce title deed and passbook for getting the required entries made. The registering office has to cross check the detailed the web land date for their correctness. The executed party have not produced such R.O.R title deed and passbook and their names

are not found in the web land record. Hence, the document is refused to registration.

6. This order dated 01.05.2018 was confirmed by the District Registrar *vide* his order dated 24.01.2020.

7. In the second batch of writ petitions, similar prayer was made for a direction to the Sub-Registrar for registration of the documents presented by the appellants in respect of the very same subject land. Interim order was passed on 22.10.2021 directing the Sub-Registrar to register the documents which would be subject to outcome of the writ petitions. However, learned Single Judge directed the Registry to make an endorsement that the second set of writ petitions would not be permitted to be withdrawn.

8. It may be mentioned that fifth respondent in these writ appeals subsequently got themselves impleaded as respondents in the respective writ petitions, which form part of the first batch *i.e.*, W.P.Nos.5916 of 2020 & batch. They pointed out before the Court that the interim order dated 22.10.2021 passed in the second set of writ petitions was obtained by fraud and misrepresentation.

9. When the second set of writ petitions came up for hearing on 27.07.2022, learned counsel for the petitioners sought leave to withdraw the writ petitions which was, however, declined by the Court.

10. After advertng to the rival contentions, learned Single Judge held as follows:

From the above, it is seen that the petitioners claim to have sold several plots in the very same subject land and the fourth respondent never objected for registration but for the first time he refused to register the document in question on the ground of impugned memo. As seen from the contents of the affidavit, the petitioners are intending to purchase the subject property from the land owners but they are not the sellers but for the reasons best known, the petitioners stated that the petitioners sold several plots and that the fourth respondent never objected for the same, however, no such details are furnished.

The contention of the petitioners that the fourth respondent refused to receive and register the document in respect of the subject plot cannot be accepted as the land that is sought to be registered is

huge in extent, but not a plot or a piece of land. As is evident from the material on record, the very same petitioners on an earlier occasion presented the document for registration of the very same land in different parts by showing the same as an agricultural land and the registration of the said documents was refused by the fourth respondent by issuing a refusal order which is the subject matter of first set of Writ Petitions. Having failed to get the document registered at the first instance by showing the same as an agricultural land, the petitioners having filed Writ Petitions before this Court in first set of Writ Petitions have approached this Court once again by stating that because of the Memo, dated 26.08.2020, the fourth respondent is refusing to register the document and obtained the similar interim orders that were passed by this Court in respect of a plot of land. As already noted above, the impugned Memo, dated 26.08.2020 was issued only in respect of the unauthorized layouts and plots therein but not in respect of huge extents of land as is claimed in the second set of Writ Petitions. Though the petitioners have vaguely referred to the previous Writ Petition filed by the respective petitioners in their respective affidavits filed in support of the Writ Petitions in the second set of Writ Petitions, they failed to furnish the number of the Writ Petition

in the affidavit nor about the status of the said Writ Petition. On the other hand, the petitioners proceeded to state that the previous refusal for registration of the documents was on the ground of Section 6(D) of the ROR Act, 2018 (Telangana Rights in Land and Pattadar Pass Books Act, 1971) and that the said Act was repealed and the subject land was also converted from agricultural to non-agricultural purpose. But the petitioners failed to submit any document to show that the subject land was converted from agricultural to non-agricultural purpose at any point of time. In a way the petitioners have claimed that the cause in the first set of Writ Petitions does not survive as the said Act was repealed and the nature of land is converted from agricultural to non-agricultural purpose.

11. Thereafter, learned Single Judge observed that the second set of writ petitions were filed by the very same petitioners, who had filed the first set of writ petitions and almost in respect of the very same land. In the second set of writ petitions, the subject land was measured in terms of square yards whereas in the first set of writ petitions, the subject land was measured in terms of acres and guntas. The second set of writ petitions were filed questioning the

action of the fourth respondent in refusing to register the documents presented by the writ petitioners on the basis of memo issued by respondent No.2 dated 26.08.2020 prohibiting registration of unauthorized plots and buildings.

12. At this stage, learned Government Pleader for Stamps and Registration submits that the memo dated 26.08.2020 is presently *sub judice* before the Supreme Court.

13. Following the above, learned Single Judge dismissed the second set of writ petitions by holding as follows:

Thus, from the above discussion, it is very clear that the petitioners have falsely represented that they intended to register a plot of land but the fourth respondent refusing to receive and process such documents filed the second set of Writ Petitions basing upon the Memo. As noted above, a coordinate bench of this Court by considering the stand taken by the petitioners and by following the order passed in a batch of Writ Petitions passed an order dated 22.10.2021. Thus, the petitioners have successfully misled this Court and obtained the interim order. When the true facts were brought to the notice of this Court by the fifth respondent, the petitioners

conveniently made a request seeking permission to withdraw the second set of Writ Petitions. Hence, this Court is of the considered view that the respondents have misled this Court by filing a false affidavit by contending that the fourth respondent is refusing to receive and register a document in respect of a plot of land on the ground of the memo issued by the second respondent dated 26.08.2020. In the circumstances, there is no merit in the second set of Writ Petitions and they are liable to be dismissed.

14. From the above, it is quite evident that according to the learned Single Judge in the second set of writ petitions, the writ petitioners had misled the Court by contending that respondent No.4 was refusing to receive and register the documents presented by them for registration in respect of the subject land on the ground of the memo dated 26.08.2020 issued by respondent No.2.

15. Adverting to the first set of writ petitions learned Single Judge referred to Sections 6B and 6D of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (briefly 'the Act of 1971' hereinafter) which reads as follows:

6-B. Pass book holder to have entries of alienation etc., recorded in pass book:-

(1) Notwithstanding anything contained in the Registration Act, 1908 (Central Act 16 of 1908), every pass book holder presenting a document of title deed before a registering officer appointed under the said Act, on or after coming into force of the Andhra Pradesh Record of Rights in Land and Pattadar Pass Books (Amendment) Act, 1994 relating to a transaction in land, such as purchase or sale, mortgage, gift, lease or otherwise shall get the necessary entries in respect of such transaction recorded in the title deed and pass book by such registering officer.

(2) Every pass book holder acquiring a right by succession, survivorship, inheritance, partition, Government patta, Court decree or otherwise shall get necessary entries in respect of such right recorded in the title deed and in the pass book by the Mandal Revenue Officer.

6-D. Registering authority to make entries in the Pass Book:-

(1) It shall be obligatory on the part of any person having interest or right in land to produce the title deed and pass book before the registering authority appointed, under the Registration Act, 1908 along with the documents he proposes to get registered and

it shall be obligatory on the part of such registering authority to verify the Webland data maintained electronically and to make entry of every transaction of sale, gift, purchase, mortgage, lease or exchange in such title deed and pass book at the appropriate place or places under his signature and office seal.

(2) Notwithstanding anything contained in the Registration Act, 1908, the registering authority shall not register any document relating to a transaction of the nature referred to in sub-section (1) without the production of the title deed and pass book by both the parties to the transaction:

Provided that in case of landless person including a tenant or a mortgagee who becomes owner of land for the first time by purchase of land through a registered sale deed, the registering authority shall obtain a declaration from him in the form prescribed and send the same to Mandal Revenue Officer to enable him to issue a pattadar pass book in the owner category to such purchaser in the manner prescribed.

16. Learned Single Judge thereafter held that Section 6D of the aforesaid Act makes it obligatory on the part of any person having interest or right in the land to produce the title deed and passbook before the registering authority appointed under the Registration Act, 1908 along with documents sought to be registered. In the

instant case, it was not the case of the writ petitioners that their respective vendors were having title deeds and passbooks covering the subject land. Learned Single Judge thereafter came to the conclusion that there was no error or illegality in the order passed by respondent No.4 in refusing registration inasmuch as Sections 6B and Section 6D of the Act of 1971 were not complied with. It may be mentioned that the aforesaid Act of 1971 was subsequently repealed and has been replaced by the Telangana Rights in Land and Pattadar Pass Books Act, 2020 (briefly ‘the Act of 2020’). Section 5 of the aforesaid Act is in *pari materia* with the provisions of the Act of 1971. Therefore, learned Single Judge was of the view that repeal of the Act of 1971 and enactment of the Act of 2020 did not make any material difference to the claim of the writ petitioners. Holding the claim of the writ petitioners as totally unsustainable, learned Single Judge dismissed the first batch of writ petitions *vide* the common order dated 05.09.2022 in the following manner:

No doubt, the Act, 1971 was repealed by enacting the Telangana Rights in Land and Pattadar Passbooks Act, 2020 but the new enactment also contains the

very similar provisions requiring the executant of any document in respect of agricultural land to produce pattadar pass book-cum-title deeds on the date allotted for registration of the subject land under sub-Section 3 of Section 5 of the Act, 2020. Sub-Section 4 of Section 5 of the Act, 2020 permits registration of a document only where the pattadar and property particulars in the document are in consonance with the entries in the record of rights. Therefore, repeal of Act, 1971 is of no consequence insofar as the claim of the petitioners for registration of the subject land in the shape of agricultural land is concerned. It is only when the respective vendors of the petitioners obtained a pattadar pass book-cum-title deed from the competent authority and their names are updated in the concerned records as pattadar, as required under the Act, 2020, then only the documents that are executed by their respective vendors can be processed and registered in terms of Registration Act, 1908. Hence, the contentions of the petitioners in the first set of Writ Petitions are also totally unsustainable and this Court does not find any illegality or infirmity in the impugned order in the respective Writ Petitions in first set of Writ Petitions.

17. Learned Single Judge further observed that writ petitioners had obtained interim order dated 19.05.2020 in W.P.No.5916

of 2020 by placing reliance on Appeal Suit No.113 and 120 of 2018. On a perusal of the memo of the above appeals and the related documents, learned Single Judge came to the conclusion that Appeal Suit Nos.113 and 120 of 2018 had nothing to do with the first batch of writ petitions as they relate to some other property, which was the subject matter of Writ Petition No.73 of 2020. Writ petitioners however did not bring the above facts to the notice of the Court.

18. In the circumstances, learned Single Judge came to the conclusion that the writ petitioners had approached the Court with unclean hands and that they were not entitled to any relief. In the common order dated 05.09.2022, learned Single Judge held as follows:

Under the above circumstances, this Court is of the considered view that, when an interim order is passed by this Court at the instance of the petitioners and when there was a wrong reference or mistake it is the bounden duty of the petitioners as well as the counsel for petitioners to bring the same to the notice of this Court and get the same set right but for the reasons best known neither the petitioners nor the

counsel for the petitioners made any such attempt to get the mistake rectified.

Thus, looking from any angle, the conduct of the petitioners in prosecuting this batch of Writ Petitions is unfair and they have approached this Court with unclean hands and made a sincere attempt to get the documents registered by hook or crook. But for the fact that the fifth respondent, who got himself implicated as party respondent, brought these facts to the notice of this Court, this Court would have been further misled by the petitioners.

19. We concur with the views expressed by the learned Single Judge.

20. From the materials on record, it is evident that not only all relevant facts were not placed before the learned Single Judge but even those facts which were placed were done in such a manner so as to mislead the Court. In fact, learned Single Judge has rightly held that writ petitioners made desperate attempt to get the documents registered by hook or by crook and in this process sought to entangle the Court. Thus, it was a fit case for imposition

of cost. But, learned Single Judge did not impose cost on the writ petitioners while dismissing the writ petitions.

21. We fail to understand as to how the same set of writ petitioners can approach this Court in equitable jurisdiction by filing writ appeals. There can be no equity in favour of a litigant, who misleads the Court and who does not approach the Court with clean hands. We therefore, decline to entertain these appeals.

22. All these writ appeals are accordingly dismissed with cost of Rs.10,000/- on each of the appellants to be paid to the Telangana State Legal Services Authority within thirty days.

As a sequel, miscellaneous petitions, pending if any, stand dismissed.

UJJAL BHUYAN, CJ

C.V.BHASKAR REDDY, J

Date: 27.10.2022
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