

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

THURSDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 2772 OF 2023

Between:

Jangili Sattaiah, W/o Late Narsaiah, Aged about 96-years, Occ. Agriculture,
R/o Phanigiri village, NagaramMandal, Suryapet District, TS.

...PETITIONER

AND

1. The State of Telangana, rep by its Principal Secretary, Revenue Department, Secretariat Building, Hyderabad.
2. The Inspector of General of Stamps and Registration, At Hyderabad.
3. District Collector, Suryapet at Suryapet District.
4. The Revenue Divisional Officer, Suryapet at Suryapet District
5. The Sub-Registrar, Suryapet, at Suryapet.
6. The Tahsildar-cum-Joint Sub Registrar, Nagaram Mandal, Suryapet District
7. Jangili Kishan Rao, S/o Late Mallaiah, Aged about 65-years, Occ. Agriculture, Now present, R/o. H.No.1-1-422/6, Nehru Nagar, Suryapet, at Suryapet District, Erstwhile R/o. Phanigiri village, Nagaram Mandal, Suryapet District, TS.
8. Jangili Srinivas Rao, S/o Late Mallaiah, Aged about 63-years, Occ. Agriculture, Now present, R/o. H.No.7-3-422/2, Vijaypuri Colony, Near Sai Baba Temple, Vira Road Khammam, Erstwhile R/o. Phanigiri village, Nagaram Mandal, Suryapet District, TS.

...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 pass an order or direction more particularly one in the nature of Writ Mandamus to declare the action of the Respondent No.5 in not conclude the criminal prosecution against the Respondent Nos.7 and 8, contemplated under section 81, 82 and 83 of the Registration Act, 1908, vide notice No. 101/Reg/2020, dated. 19-03-2020 and another notice No.102/Reg/2020, dated. 19-03-2020, issued by the Respondent No.5 herein, on the plea of formation of the New sub-districts, establishment of officer of Sub-Registrars and appointing Tahsildar as Joint Sub-

Registrars under the Registration Act, 1908 (Central Act No.16 of 1908) – Notification – Order – issued, vide GOMS No.118, dated: 28-10-2020, is illegal, arbitrary, violative principles natural justice and against the Article 14, 19, 21 and 300 of Constitution of India and consequently direct the Respondent No's. 2 and 5, herein, to set-aside the illegal registered gift deeds executed by the father of the Respondent No's.7 and 8 without having any validity of title as on the date of registration in the year 1992 standing in the name of the Petitioner herein, or 1932 onwards till today, done by the unscrupulous persons or vide Reg. Document No's. 5254/1992 and 5255/1992, dated. 02-11-1992 and including conclude the criminal prosecution against the Respondent No's. 7 and 8 as per the notice issued by the Respondent No.5, herein, vide notice No's.101/Reg/2020, dated. 19-03-2020 and another notice No. 102/Reg/2020, dated. 19-03-2020, particularly in Sy.No.628 to an extent of land Ac.7.05 gts, Situated at Phanigiri village, Nagaram Mandal, Suryapet District, TS, forthwith.

IA NO: 1 OF 2023

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 Respondent No.5, herein, to record the remarks in the online Encumbrance Certificates of the particular land in Sy.No.628 to an extent of land Ac.7.05 gts, Situated at Phanigiri village, Nagaram Mandal, Suryapet District, TS, forthwith pending disposal of Main writ petition.

Counsel for the Petitioner: SRI J.RAGHURAM

Counsel for the Respondent Nos.1 TO 6: AGP FOR STAMPS AND REGISTRATION

Counsel for the Respondent Nos.7 & 8: ---

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.2772 of 2023

ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Stamps and Registration appearing for the respondents.

2. The grievance of the petitioner in this writ petition is that though respondent No.5 issued notice No.101/Registration/2020, and No.102/Registration/2020, dated 19.03.2020, respectively, to respondent Nos.7 and 8 and others summoning them to appear before him to depose the facts and also to put them on notice and in case if they fail to appear, appropriate prosecution will be launched as per Sections 82 and 83 of the Registration Act, 1908, no further action is being taken by respondent No.5 so far.

3. This matter earlier came up on number of occasions and the same was adjourned to enable the learned Assistant Government Pleader for Registration to get instructions in the matter. Today, when the matter is taken up for consideration, the written instructions received from respondent No.5 are placed before this Court, wherein it is stated that though notice dated 19.03.2020, was issued, no further action is taken by respondent No.5 as the jurisdiction to entertain the documents for registration relating to

agriculture lands was transferred to Tahsildar under G.O.Ms.No 118, dated 28.10.2020.

4. In the considered opinion of this Court, the grounds on which the respondent No.5 has not taken any further action pursuant to the notice, dated 19.03.2020, is wholly unsustainable. The grievance of the petitioner in this writ petition is not taking any further action pursuant to the notice, dated 19.03.2020. The said notice was issued in respect of a transaction which was already taken place by the office of respondent No.5 and there is no further transaction presented by the petitioner to be carried out by the Tahsildar concerned. Hence, there is no justification for respondent No.5 in refusing to take further action pursuant to the notice, dated 19.03.2020.

5. In view of the same, the writ petition is disposed of directing respondent No.5 to take further action pursuant to the notice, dated 19.03.2020, in accordance with law by putting all the parties concerned on notice and conclude the same within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

SD/-T.SRINIVAS
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Sub-Registrar, Suryapet, at Suryapet.
2. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana, at Hyderabad. [OUT]
3. One CC to SRI J.RAGHURAM, Advocate [OPUC]
4. Two CD Copies

PSK.



CC TODAY

HIGH COURT

MSK,J

DATED:02/03/2023

ORDER

WP.No.2772 of 2023



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

(7) VW
9/3/23