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

THURSDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 3605 OF 2024

Between:

Sri K. Srinivasa Rao, S/o Sri Sambasiva Rao, Aged about 54 years, Occ ;. Business, R/o 7th Ward, Opp. Brahman Temple Street, Angalakuduru Post, Tenali Mandal, Guntur District.

.....PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary (Revenue), Secretariat, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Telangana State.
3. The Sub Registrar, Quthbullapur, Medchal - Malkajgiri 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 Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the more particularly respondent No.3 i.e., The Sub Registrar, Quthbullapur, Medchal - Malkajgiri District, in refusing to register and release the Rectification Deed i.e., Pending Document No.P.22/2024 vide Intimation of Refusal No.11/2024 dated 06-02-2024, presented by the petitioner and his vendors in respect of all that the Open Land in Sy.No.328, admeasuring 2420 Sq.Yards or Ac.0-20 guntas, situated at Gajularamaram Village, Quthbullapur Mandal, Under GHMC Circle, Medchal- Malkajgiri District, on the ground of Memo No. G3/3247/2018, dated 01.05.2019, issued by respondent No.2 is illegal, arbitrary, in violation of Articles 14, 21 and 300-A of Constitution of India and also in violation of Registration Act, 1908, besides in

violation of Principles of Natural Justice and consequently to direct the respondent No.3 i.e., The Sub Registrar, Quthbullapur, Medchal - Malkajgiri District, and consequently direct the respondents more particularly respondent no.3 i.e., The Sub Registrar, Quthbullapur, Medchal - Malkajgiri District, herein to register and release the Rectification Deed i.e., Pending Document No.P.22/2024 vide Intimation of Refusal No.11/2024 dated 06-02-2024.

I.A.NO:1 OF 2024

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 respondent No.3 to register and release the Rectification Deed i.e., Pending Document No.P.22/2024 by suspending the Intimation of Refusal No. 11/2024 dated 06-02-2024, presented by the petitioner and his vendors in respect of all that the Open Land in Sy.No.328, admeasuring 2420 Sq.Yards or Ac.0-20 guntas, situated at Gajularamaram Village, Quthbullapur Mandal, Under GHMC Circle, Medchal- Malkajgiri District, pending disposal of the above writ petition.

Counsel for the Petitioner : SRI KATIKA RAVINDER REDDY

Counsel for the Respondents : AGP FOR REVENUE

The Court made the following ORDER

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.3605 of 2024

ORDER:

Heard Sri K.Ravinder Reddy, the learned counsel for the petitioner and the learned Assistant Government Pleader for Stamps and Registration appearing for the respondents and perused the material made available on record.

2. With the consent of both the learned counsel, this writ petition is disposed of at the threshold

3. This writ petition has been filed seeking a writ of mandamus to declare the action of the respondent No.3, Sub Registrar, Quthbullapur, Medchal-Malkajgiri District, in refusing to register and release the rectification deed i.e. pending document No.P.22/2024 vide Intimation of Refusal No.11/2024 dated 06.02.2024, presented by the petitioner and his vendors in respect of all that the open land in Sy.No.328, admeasuring 2420 sq.yds., or Ac.0.20 guntas, situated at Gajularamaram village, Quthbullapur Mandal, under GHMC Circle, Medchal-Malkajgiri District, on the ground of Memo No.G3/3247/ 2018, dated 01.05.2019 issued by the respondent No.2, as illegal, arbitrary and consequently to direct the respondent No.3 to register and release the subject deed.

4. Making his submission with regard to the merits of the matter, the learned counsel for the petitioner submitted that the petitioner's

vendor No.1 had executed a sale deed in favour of the petitioner's vendor No.2 in respect of the subject property having purchased the same through a registered sale deed bearing Document No.2355/2008 dated 23.02.2008, registered at the SRO, Quthbullapur and whereas in the above sale deed the North and East boundary was wrongly mentioned as NORTH: Land in Survey No.329/part, EAST: Land in Survey No.329/Part, instead of NORTH: 40 feet wide road, EAST: 30 feet wide road. It is further submitted that the parties have not identified the same at the time of registration and the petitioner's vendor No.1 executed the deed of rectification in favour of the petitioner's vendor No.2 to rectify the said mistake of wrongly mentioned boundaries. It is also submitted that except the above said mistake or wrongly mentioned boundaries, there are no other changes either in the name of the Vendor, Vendee, Plot number, land admeasuring, survey number, village name and remaining boundaries as per principal sale deed document No.2355/2008.

5. It is further submitted that the petitioner and his vendors had presented the rectification deed for registration before the respondent No.3 but the respondent No.3 had refused to register the rectification deed by assigning the following reasons:

> "1. That the property set forth in the document is an agriculture property and executants has failed to produce non agriculture land conversion certificate. The Telangana Rights in Land and Pattadar Pass Books Act, 2020 (Act 9 of 2020) which has come into

operation w.e.f., 19th September 2020 defined the Tahsildar-cum-Joint Sub-Registrar as Registrar to register the agricultural lands situated in his jurisdiction. Consequent to the operation of the above Act, the Government of Telangana, through G.O.Ms.No.118 Rev (Regn-I) Dept Dt.28.10.2020, has established the Offices of Joint Sub-Registrars under Section 7(1) of the Registration Act, 1908 and appointed Tahsildars of the concerned Mandal as Tahsildar–Joint Sub-Registrar in respect of agriculture lands and the Sub-Registrars are ceased to be Registering Officers in respect of agriculture lands. Hence Sub-Registrar, Quthbullapur has no jurisdiction over the property.

2. That the Commissioner and Inspector General (R&S) Dept Memo G3/3247/2018 Dated: 01-05-2019 has instructed that whenever huge lands are showing in Sq.yards and sought to registration, the Registrar shall invariably refer web land (Dharani) and find out the owners as per revenue records and insist upon conversion certificate authority."

6. The learned counsel for the petitioner further submitted that the plain reading of the reasons for refusal are untenable in the eye of law as the respondent No.3 contended that as per the G.O.Ms.No.118 dated 28.10.2020, he seized the power to execute the lands which are in agriculture, but the respondent No.3 failed to know that the subject land which is sought for registration is Non-agriculture and that to the same is sought for registration under square yards but not in acreage. As such, the first objection is not tenable under the eye of law. In so far as the second objection is concerned that whenever huge lands are showing in square yards and sought for registration,

the Registrar shall invariably refer web land (Dharani) and find out the owners as per the revenue records and insist upon conversion certificate i.e., NALA. But the web land Dharani record clearly shows that the land in Sy.No.328 was converted into house sites and plots as such the question of producing NALA and getting registration before the Tahsildar as per the G.O.Ms.No.118 is unwarranted. But in the instant case, the subject property was converted into non-agriculture and also paid requisite fees on 28.03.2023 and the authorities are waiting for the process the said request. It is further submitted that the respondent No.3 has failed to verify the online record of Dharani web land in respect of the subject Sy.No.328, which clearly speaks about the nature of the land i.e., houses/house sites and on the other hand, the area where the subject property is situated is in the urban agglomeration. As such, the second objection is also untenable. It is further submitted that the acts of the respondent No.3 are in contra to the Registration Act as there is no prohibition or whatsoever in respect of the subject land for registration and entire revenue records clearly speaks that the land is in nature of house sites and also private patta land as such insisting the petitioner and his vendors to comply with the G.O.Ms.No.118 and memo dated 01.05.2019 vide G3/3247/2018 is illegal and arbitrary.

7. On the other hand, the learned Assistant Government Pleader for Stamps and Registration submitted that as per Dharani portal, the subject property is shown to be houses and the petitioner,

however, did not choose to pay NALA charges and NALA conversion proceedings are not placed.

8. At this stage, the learned counsel for the petitioner drawn the attention of this Court to the order dated 25.09.2023 passed in W.P. No.15124 of 2023 by this Court and submitted that the similar issue has been considered and while setting aside the refusal order therein had directed the Registering authority to register the subject document therein and sought to pass similar order.

9. This submission has not been disputed by the learned Assistant Government Pleader for Stamps and Registration.

10. A perusal of the order dated 25.09.2023 passed in W.P. No.15124 of 2023 at paras 5 and 6 reads as under:

> "5. When the subject property is shown to be classified as houses in the Dharani portal, which is a data base created by the Government for Integrated Land Records management System, this Court is of the view that the land cannot again be treated as an agricultural land. So far as payment of Nala charges is concerned, as there is obligation on part of the parties to the Sale deed to pay Nala charges, they have to pay the same without any resistance as and when directed.
>
> 6. Hence, this Court considers desirable to set-aside the order of refusal and to direct the Registering Authority to register the document subject to compliance of all other formalities."

11. In view of the above and the for the reasons alike in the order dated 25.09.2023 passed in W.P. No.15124 of 2023 by this Court, Refusal No.11/2024 dated 06.02.2024 is hereby set aside and this writ petition is disposed of directing the respondent No.3, Sub-Registrar, to register the subject document in case, the same is in consonance with the provisions of Registration Act, 1908 and Indian Stamp Act, 1899. Where the document is not liable for registration under those provisions, a Refusal order can be passed and the decision taken be intimated to the petitioner in writing. The parties to the document are directed to pay NALA charges and when directed without raising any resistance. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

SD/- K.SREERAMA MURTHY
ASSISTANT REGISTRAR

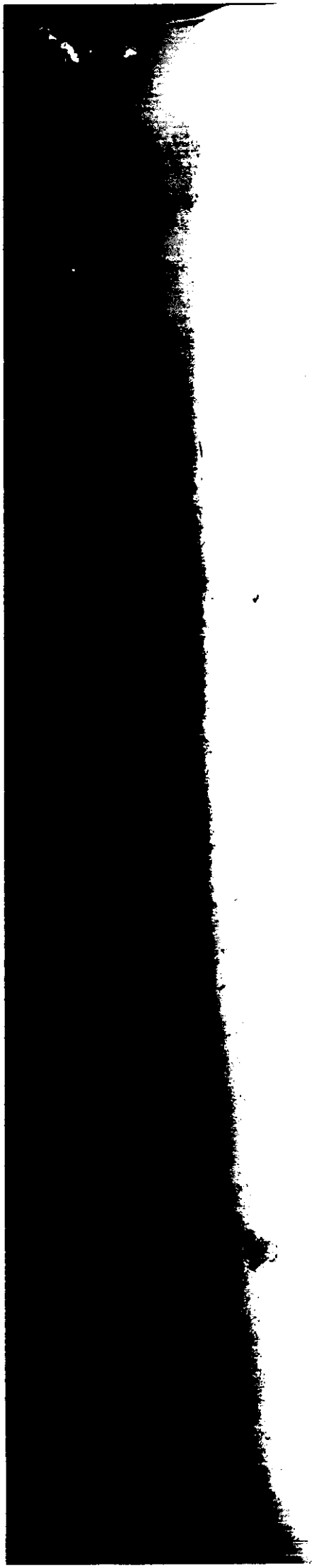
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SECTION OFFICER

To

1. The Principal Secretary, (Revenue), Secretariat, State of Telangana at Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Telangana State.
3. The Sub Registrar, Quthbullapur, Medchal - Malkajgiri District.
4. Two CCs to GP For Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to Sri Katika Ravinder Reddy, Advocate [OPUC]
6. Two CD Copies

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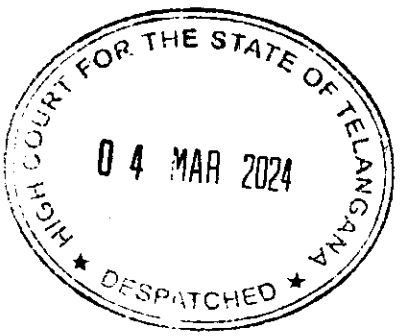


HIGH COURT

DATED:22/02/2024

ORDER

WP.No.3605 of 2024



DISPOSING OF THE W.P

WITHOUT COSTS.

(9) VLV
1/3/24