

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

TUESDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.11852 OF 2024

Between:

Namani Sadaiah, S/o Namani Papaiah, Aged 50 years, Occ.Business, R/o. # 25/1, Syed Nagar, Srinivas Colony, Petbasheerbad, Quthbullapur Mandal, Medchal - Malkajgiri District.

...PETITIONER

VERSUS

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad.
2. The District Registrar, Medchal - Malkajgiri District.
3. The Sub-Registrar, Quthbullapur, Medchal - Malkajgiri District.
4. The District Collector, Medchal - Malkajgiri District.
5. The Tahsildar, Quthbullapur Mandal, 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 a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of Respondent No. 3 i.e. the Sub-Registrar, Quthbullapur, Medchal-Malkajgiri in not receiving and registering the Sale Deed presented by the petitioner in respect of all that the house bearing No. 01-025/1/5, PTIN No.1250612223 with plinth area of 500 Sft. of ACC, land admeasuring 100.0 sq. yards in Sy.No. 25/1, situated at Petbasheerbad Village, Quthbullapur Mandal, Medchal - Malkajgiri District. on the basis of prohibitory list under Section 22-A of

Registration Act 1908 as per as per the 1) Ranga Reddy District Gazette Notification R.R. No. 83, communicated by Joint Collector, Ranga Reddy vide File No. E5/4730/2013/Quthbullapur/Bachupally, dated 25/09/2013, 2). Deputy Collector and Tahalsildhar Quthbullapur Mandal, File No. B/583/2012, dated 17/02/2012 and 3). Gazette Notification No. 134, dated 10/03/2005 and G.O.Ms No. 292, Revenue (Registration. I), 9th March 2005 communicated by Commissioner and Inspector General (Revenue and Stamps), Hyderabad vide File No. G1/4661/2005, Dt.02/07/2005, as 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 direct the Respondent No. 3 to receive and register and release the Sale Deed presented by the Petitioner in respect of all that the house bearing No. 01-025/1/5, PTIN No.1250612223 with plinth area of 500 Sft. of ACC, land admeasuring 100.0 sq. yards in Sy.No. 25/1, situated at Petbasheerbad Village, Quthbullapur Mandal, Medchal - Malkajgiri District without the reference of 1). Ranga Reddy District Gazette Notification R.R. No. 83, communicated by Joint Collector, Ranga Reddy vide File No. E5/4730/2013/Quthbullapur/Bachupally, dated 25/09/2013, 2). Deputy Collector and Tahalsildhar, Quthbullapur Mandal, File No. B/583/2012, dated 17/02/2012 and 3). Gazette Notification No. 134, dated 10/03/2005 and G.O.Ms No. 292, Revenue (Registration. I), 9th March 2005 communicated by Commissioner and Inspector General (Revenue and Stamps), Hyderabad vide File No. G1/4661/2005, Dt.02/07/2005.

IA 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 herein to receive and register and release the Sale Deed presented by the Petitioner in respect all that the house bearing No. 01-025/1/5, PTIN No.1250612223 with plinth area of 500 Sft. of ACC, land admeasuring 100.0 sq. yards in Sy.No. 25/1, situated at Petbasheerbad Village, Quthbullapur Mandal, Medchal - Malkajgiri District without reference of 1). Ranga Reddy District Gazette Notification R.R. No. 83, communicated by Joint Collector, Ranga Reddy vide File No. E5/4730 /2013/Quthbullapur/Bachupally, dated 25/09/2013, 2). Deputy Collector and Tahalsildhar Quthbullapur Mandal, File No. B/583/2012, dated 17/02/2012 and 3). Gazette Notification No. 134, dated 10/03/2005 and G.O.Ms No. 292, Revenue (Registration. I), 9th March 2005 communicated by Commissioner and Inspector General (Revenue and Stamps), Hyderabad vide File No.G1/4661/2005, Dt.02/07/2005, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI B. SAMPATH KUMAR

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.V. SHRAVAN KUMAR

W.P. No.11852 of 2024

ORDER:

Heard the learned counsel on either side and perused the material made available on record. With the consent of both the parties, this writ petition is disposed of at the threshold.

2. This writ petition has been filed challenging the action of the Registering Authorities in refusing to register the subject documents based on the Gazette Notification R.R. No.83, dated 25.09.2013.

3. The learned counsel for the petitioner would submit that the subject matter of this writ petition is squarely covered by the common order dated 22.03.2024 passed in W.P. Nos.9645 of 2021 and W.P. No.26353 of 2023 by this Court. The learned counsel would further submit that this Court, while granting interim order dated 28.04.2021 in W.P. No.9645 of 2021 had stipulated a condition not to resort to further conveyance of the subject property without leave of this Court and similarly in W.P. No.26353 of 2023 this Court, while granting interim order dated 22.09.2023, had prohibited the parties from proceeding with further conveyance of the property except on obtaining required permission from this Court.

4. On the other hand, the learned Assistant Government Pleader appearing for the Stamps and Registration did not dispute the submissions made by the learned counsel for the petitioner.

THE HONOURABLE SRI JUSTICE N.V. SHRAVAN KUMAR

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4. On the other hand, the learned Assistant Government Pleader appearing for the Stamps and Registration did not dispute the submissions made by the learned counsel for the petitioner.

5. At this juncture, it is significant to note that the Division Bench of this Court vide its common order dated 19.10.2023 passed in W.P. No.28300 of 2007 and batch had dealt with the validity of Section 22-A of the Act as incorporated in the Registration Act, 1908 and the Amended Act, 19 of 2007 with effect from 20.06.2007 and had upheld the validity of the Section 22-A of the Act.

6. Having gone through the material made available on the record and the submissions made by the learned counsel on either side, it is essential and necessary to excerpt the relevant para Nos.23 to 32 of the common order dated 22.03.2024 passed in W.P. Nos.9645 of 2021 and 26353 of 2023 by this Court, which reads as under:

"23. From a perusal of the Notification in R.R. No.83, dated 25.09.2013, the subject lands were notified under Section 22-A (1)(a) for the purpose of Section 22-A(1). It is only a notice given inviting objections and suggestions on the above proposal from all persons who are likely to be affected thereby for being taken into consideration by the Government. The details of the properties mentioned in the annexure states that the subject lands are Government lands.

24. Section 22-A (1) (e) of the Act manifests that any documents or class of documents pertaining to the properties, the State Government may, by notification prohibit the registration in which avowed or accrued interests of Central and State Governments, Local Bodies, Educational, Cultural, Religious and Charitable Institutions, those attached by Civil, Criminal, Revenue Courts and Direct and Indirect Tax Laws and others which are likely to adversely affect these interest.

Section 22-A (2) reads as under:

"(2) For the purpose of Clause (e) of sub-section (1), the State Government shall publish a notification after obtaining reasons for and full description of properties furnished by the District Collectors concerned in the manner as may be prescribed."

25. It is pertinent to note that in the case of **Vinjamuri Rajagopala Chary** (Supra) paras 156 had summarized and issued directions. As per the Clause (v) no notification is contemplated under sub-section (2) of Section 22-A with respect to the properties falling under clauses (a) to (d) of sub-section (1) of Section 22-A. As per Clause (vi), the properties covered under clause (e) of Section 22-A shall be notified in the official Gazette of the State Governments and shall be forwarded, along with the list of properties, and a copy of the relevant notification/Gazette, to the concerned registering authorities under the provisions of Registration Act and shall also place the said notification/Gazette on the websites of both the State Governments.

26. The subject lands in these writ petitions as per the Notification in R.R.No.83 in File No.E5/4730/2013/ Quthbullapur/Quthbullapur, dated 25.09.2013, which according to the District Collector were classified as Government lands and a Notification was issued calling for objections/suggestions before placing for prohibitions. Section 22-A (1) (e) and (2) stipulates that if any land is classified and determined as Government land, the Government shall publish an official Gazette notification after obtaining reasons for and full description of properties furnished by the District Collector concerned in the manner as prescribed. In the case on hand, the respondents have not followed the provisions of Section 22-A(1)(e)(2) and the guidelines issued by the Full Bench in the case of **Vinjamuri Rajagopala Chary** (Supra) wherein at para 156 held that the authorities are obliged to follow Clause (vi) for those properties covered under Clause (e) of Section 22-A of the Act, whereby such lands have to be notified in the official Gazette of the State. The Notification in R.R. No.83 dated 25.09.2013 communicated by the Joint Collector, Ranga Reddy vide File No.E5/4730/2013/Quthbullapur/Quthbullapur, dated 25.09.2013; Deputy Collector and Tahasildhar, Quthbullapur Mandal, File No.B/583/2012, dated 17.02.2012 and the Gazette Notification No.134, dated 10.03.2005 and G.O.Ms.No.292, Revenue (Registration-I), 9th March 2005 communicated by the Commissioner and Inspector General (Revenue & Stamps), Hyderabad vide File No.G1/4661/2005, dated 02.07.2005 are not in accordance with the provisions of the Section 22-A (1) (e) and 22 (1)(2) and also as per Clause (vi) of the guidelines issued in the case of **Vinjamuri Rajagopala Chary** (Supra) and the same cannot be the basis for denying for registration of the subject properties.

27. Further, the Tahsildar vide File No.B/583/2012, dated 17.02.2012 had notified the particular property as the Government land and requested the Sub-Registrar not to register any deed of conveyance. The District Collector on 25.09.2013 had issued preliminary notification calling for objections and the said notification was found to be defective by this Court in W.P. No.19069 of 2014 dated 25.08.2014.

28. It is also pertinent to note that in the counter filed in W.P. No.26353 of 2023 prohibiting transfer/registration that subsequent to the Notification in R.R. No.83 dated 25.09.2013 the answering respondents have not taken any steps in notifying in the official Gazette of State Government in terms of the guideline No.(vi) issued by the Full Bench in the case of **Vinjamuri Rajagopala Chary** (Supra).

29. As such, the Notification in R.R.No.83 in File No.E5/4730/2013/Quthbullapur/Quthbullapur, dated 25.09.2013, is only a notice given for inviting objections and suggestions and this cannot be the basis for refusal for registration of the subject properties. In view of the same, Gazette Notification in R.R. No.83, dated 25.09.2013, communicated by the Joint Collector, Ranga Reddy vide File No.E5/4730/2013/Quthbullapur/Gajularamaram, dated 25.09.2013, 2) Deputy Collector & Tahsildar Quthbullapur Mandal, File No.B/583/2012, dated 17.02.2012 and the Gazette. Notification No.134, dated 10.03.2005 and G.O.Ms.No.292, dated 09.03.2005 are not in consonance to the provisions of Section 22-A of the Registration Act, 1908 and 22-A(1)(e) and Clause (vi) of the guidelines and the same cannot be referred for the purpose of denying registration of the subject properties. Consequently, reference made vide in File No.E5/4730/2013/Quthbullapur/Gajularamaram, and File No.E5/4730/2013/Quthbullapur/Quthbullapur, dated 25.09.2013 and File No.B/583/2012 dated 17.02.2012 of the Tahsildar, Quthbullapur Mandal, are declared as illegal, arbitrary and bad in law and are hereby set aside.

30. Accordingly, W.P. Nos.9645 of 2021 and 26353 of 2023 are allowed.

31. This Court on 22.09.2023, while directing the Registering authority to receive and process the document without reference to the letter dated 17.02.2012, and the Notification in R.R. No.83 dated 25.09.2013, had directed the petitioner not to resort to further conveyance of the subject property without leave of this Court. In this regard, it is made clear that since these writ petitions (W.P. Nos.9645 of 2021 and 26353 of 2023) are

allowed, the condition that was imposed to the effect that not to resort to further conveyance of the subject property is hereby recalled. The Registering Authorities are directed to make necessary changes in the records.

32. It is made clear that mere registration of the document does not confer title on the subject property and it is also made clear that this order would not have any bearing on all those matters where title/rights of the parties are pending before the authorities either in revision/appeals for adjudication and in any other case this order also does not preclude the parties in asserting their rights before a competent Court of law. There shall be no order as to costs."

7. Since the issues involved in this writ petition are similar to those that have been considered by this Court in the common order dated 22.03.2024 passed in W.P. Nos.9645 of 2021 and 26353 of 2023 and for the reasons alike, this writ petition is allowed in terms of the common order dated 22.03.2024 passed in W.P. Nos.9645 of 2021 and 26353 of 2023 by this Court.

8. Consequently, the respondent No.3, Sub-Registrar, is directed to receive, process, register and release the sale deed in respect of all that the house bearing No.01-025/1/5, PTIN No.1250612223 with plinth area of 500 Sft of ACC land admeasuring 100.0 sq.yards in Sy No.25/1, situated at Petbasheerbad Village, Quthbullapur Mandal, Medchal-Malkajgiri District, within a period of three weeks from the date of receipt of a copy of this order, subject to the petitioner complying with the provisions of the Indian Registration Act, 1908, and Indian Stamps Act, 1899. It is also open to the Registering Authority to refuse/receive the documents 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 the document does not confer title on the subject property and it is also made clear that this order would not have any bearing on all those matters where title/rights of the parties are pending before the authorities either in revision/appeals for adjudication and in any other case this order also does not preclude the parties in asserting their rights before a competent Court of law. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

SD/-K. SREERAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Sub-Registrar, Qutubullapur, Medchal - Malkajgiri District.
2. One CC to SRI B. SAMPATH KUMAR, Advocate [OPUC]
3. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad [OUT]
4. Two CD Copies

MP
BS



HIGH COURT

DATED:30/04/2024



ORDER

WP.No.11852 of 2024

**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

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MBC
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