

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
FRIDAY, THE TWENTY FIFTH DAY OF MARCH TWO THOUSAND AND
TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY
WRIT PETITION NO: 13807 OF 2022

Between:

Vitta Sai Kiran, S/o Vitta Dayakar,

Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary (Revenue), Secretariat, Hyderabad.
2. The District Registrar, Medchal- Malkajgiri District.
3. The Sub Registrar, Quthbullapur, Medchal - Malkajgiri District.
4. The Collector, Medchal - Malkajgiri District.
5. The Tahasildar, Quthbullapur Mandal, Medchal-Malkajgiri District.
6. The Commissioner and Inspector General of Registration and Stamps, Telangana, Hyderabad.

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 3rd respondent i.e., The Sub Registrar, Quthbullapur, Medchal - Malkajgiri District, in refusing to receive and register the Sale Deed presented by the petitioner in respect of House bearing No.28-160, with a plinth area of 750 sq.Feet in Ground Floor, 750 sq.Feet in First Floor, 750 sq.Feet in Second Floor, total plinth area comes under 2250 Sq.feet (R.C.C.), on Plot No.51/Part, admeasuring 86 Sq.Yards (out of 136 Sq.Yards), in Sy.No.151, Maruthi Nagar situated at Quthbullapur Village, Quthbullapur Mandal, Medchal-Malkajgiri District (Erstwhile Ranga Reddy District), basing on prohibitory list under section 22-A of Registration Act 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/ Nizampet, dated 25-09-2013, 2. Deputy Collector and Tahasildar 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 Respondent No.6 vide File No.G1/4661/2005. Memo No.G2/257/2019, dated 26-08-2020 issued by Respondent No.6, 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 direct the respondent no.3 herein to receive and register the Sale Deed presented by the petitioner, in respect of House bearing No.28-160, with a plinth area of 750 sq.Feet in Ground Floor, 750 sq.Feet in First Floor, 750 sq.Feet in Second Floor, total plinth area comes under 2250 Sq.feet (R.C.C.), on Plot No.51/Part, admeasuring 86 Sq.Yards (out of 136 Sq.Yards), in Sy.No.151, Maruthi Nagar situated at Quthbullapur Village, Quthbullapur Mandal, Medchal-

Malkajgiri District (Erstwhile Ranga Reddy 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/ Nizampet, dated 25-09-2013, 2. Deputy Collector and Tahasildar Quthbullapur Mandel, 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 Respondent No.6 vide File No.G1/4661/2005, Memo No.G2/257/2019, dated 26-08-2020 issued by Respondent No.6;

IA NO: 1 OF 2022:

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 the Sale Deed presented by the petitioner in respect of House bearing No.28-160, with a plinth area of 750 sq.Feet in Ground Floor, 750 sq.Feet in First Floor, 750 sq.Feet in Second Floor, total plinth area comes under 2250 Sq.feet (R.C.C.), on Plot No.51/Part, admeasuring 86 Sq.Yards (out of 136 Sq.Yards), in Sy.No.151, Maruthi Nagar situated at Quthbullapur Village, Quthbullapur Mandal, Medchal-Malkajgiri District (Erstwhile Ranga Reddy 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/ Nizampet, dated 25-09-2013, 2. Deputy Collector & Tahasildar 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 Respondent No.6 vide File No.G1/4661/2005, Memo No.G2/257/2019, dated 26-08-2020 issued by Respondent No.6, pending disposal of the WP 13807 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI KATIKA RAVINDER REDDY Advocate for the Petitioner and AGP FOR REVENUE for the Respondents, the Court made the following.

ORDER:

The present writ petition is filed challenging the action of the respondent No.3 in refusing to receive and register the sale deed presented by the petitioner, on the following grounds:

1. As per the Commissioner & Inspector General (Registration & Stamps) Telangana, Hyderabad, memo No.G2/257/2019, Dt.26.08.2020, Sec.172(16) of the Telangana Municipalities Act, 2019 stipulates that "No new plot or subdivision shall be registered by Registration Authority unless it is approved by the authority as per the provisions of the Act".
2. The property is notified as prohibited property u/s.22-A of Registration Act as per the following records:

- i) Ranga Reddy District Gazette notification R.R.No.83 communicated by Joint Collector Rangareddy vide File No.E5/4730/2013/Quthbullapur/Quthbullapur, Dt:25.09.2013.
- ii) Deputy Collector & Tahasildar Quthbullapur Mandal File No.B/583/2012, Dt.17.02.2012 and
- iii) Gazette Notification No.134, Dt:10.03.2005 and G.O.Ms.No.292, Revenue (Registration.I), 9th March 2005 communicated by the respondent No.6 vide FileNo.G1/4661/2005 and Memo No.G2/257/2019, dated 26.08.2020.

The deed of conveyance presented by the petitioner in respect of H.No.28-160 within a plinth area of 750 sq. feet in Ground Floor, 750 sq. feet in First Floor and 750 sq. feet in Second Floor, total plinth area 2250 sq. feet (R.C.C.), on Plot No.51/Part, admeasuring 86 sq. yards (out of 136 sq. yards) in Sy.No.151, Maruthi Nagar situated at Quthbullapur Village, Quthbullapur Mandal, Medchal-Malkajgiri District, was refused for registration by referring to Memo No. No.G2/257/2019, dated 26.08.2020.

Insofar as the third ground of refusal is concerned, this Court is of the *prima facie* opinion that the refusal by respondent No.3, Sub-Registrar goes against the legal principle that the Registrar cannot go into the title of the property. Rule 58 of A.P. Rules made under the Registration Act, 1908 was considered by the judgment of this Court in *Dr.Yadla Ramesh Naidu v. Sub-Registrar, Sabbavaram, Visakhapatnam District* [2009 (1) ALD 337].

According to learned counsel for the petitioner, the gazette notification was set aside by the Division Bench of this Court in judgment, dated 07.12.2005, in W.P.No.14099 of 2003 and batch. Though after this judgment, Section 22-A of the Registration Act, 1908 (for short, 'the Act') was amended, no further notification was issued as required by the Act. However, on 25.09.2013, the District Collector issued preliminary notification calling for objections. This notification was found to be defective by this Court in W.P.No.19069 of 2014, dated 25.08.2014. The letter dated 17.02.2012 was issued by the Tahasildar notifying the particular property as Government land and requesting the Sub Registrar not to register any deed of conveyance.

Having regard to declaration given by the Full Bench of this Court in *Vinjamuri Rajagopala Chary v. State of Andhra Pradesh* {2016 (1) ALT 550 (FB)}, the authority competent to notify is the District Collector.

Insofar as the first and second grounds of refusal are concerned, it is stated by the learned Counsel for the petitioners that in similar circumstances, this Court granted interim order in I.A.No.1 of 2021 in W.P.No.20460 of 2021, dated 02.09.2021.

The same is not disputed by the learned Assistant Government Pleader for Revenue.

Having regard to the orders passed by the Division Bench of this Court in W.P.No.9248 of 2021, dated 23.08.2021, the official respondents are directed to receive, process, register and release the sale deed presented by the petitioners vide pending document No.172 of 2021, without reference to the letter, dated 30.04.2021, and the Memo, dated 26.08.2020, subject to compliance of provisions of the Indian Registration Act, 1908 and Indian Stamp Act, 1899 and to ascertain the status of land, as reflected in the revenue records. If the deed of conveyance complies with all the requirements and there is no embargo in accepting the document for registration, the Registering Authority shall register and release the document.

However, any such registration shall be treated as a provisional one. It is made clear that mere registration of the documents does not confer any title to the property. The petitioner shall not claim equity in case any adverse orders are passed against him. If any proceedings/suit/ appeal are pending between the executant of the document/ government or any other interested party, the registration of the document will be subject to the result of that proceedings/suit/ appeal. 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, if any.

Registry shall make an endorsement on the writ petition to the effect that the same shall not be permitted to be withdrawn.

List on 15.06.2022.

Sd/- G.SIREESHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary (Revenue), State of Telangana, Secretariat, Hyderabad.
2. The District Registrar, Medchal- Malkajgiri District.
3. The Sub Registrar, Qutbullapur, Medchal - Malkajgiri District.
4. The Collector, Medchal - Malkajgiri District.
5. The Tahasildar, Quthbullapur Mandal, Medchal-Malkajgiri District.
6. The Commissioner and Inspector General of Registration and Stamps, Telangana, Hyderabad. (1 to 6 by RPAD)
7. One CC to SRI. KATIKA RAVINDER REDDY Advocate [OPUC]
8. Two CCs to GP FOR REVENUE, High Court at Hyderabad. [OUT]
9. The Section Officer, Writ Filing (Non-Service) Section, High Court at Hyderabad
10. One spare copy

HIGH COURT

BVRJ

DATED:25/03/2022

POST ON 15-06-2022

ORDER

WP.No.13807 OF 2022

DIRECTION

