

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**THURSDAY, THE TWENTY FIFTH DAY OF AUGUST TWO THOUSAND AND
TWENTY TWO**

**:PRESENT:
THE HONOURABLE SRI JUSTICE K. LAKSHMAN**

WRIT PETITION NO: 33585 OF 2022

Between:

SHREE MANJUNATHA CONSTRUCTIONS, represented by its Managing
Partner, Y.Koteshwara Rao S/o Kotaiah, R/o Flat No. 201, Vishwasanthi
Residency, Satyam Heights, Rajiv Gandhi Nagar, Bachupally, Hyderabad
Petitioner

AND

1. State of Telangana, represented by its Principal Secretary, Revenue (Regn.)
Department at Secretariat, Hyderabad
2. The Inspector General, of Registration and Stamps, Hyderabad
3. The District Collector, Ranga Reddy District at Lakdikapul, Hyderabad
4. The District Registrar, Ranga Reddy District
5. The Joint Sub Registrar I and II,, Office of District Registrar, Ranga Reddy
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 of Mandamus or any other appropriate Writ or Writs, Order or
Direction, declaring the action of the 5th Respondent herein in refusing to receive,
register and release the Development Agreement presented by the petitioner in
respect of House No. 2-41/41/7/3, (PTI No.1219992192), with a built-up area of 100
Sq.feet, land admeasuring 1180 Sq.Yards,in Sy No. 41/7 of Khanamet Village,
Serilingampally Mandal, Ranga Reddy District, on the ground of Circular Memo No.
G3/3247/2018 dated 1/5/2019 issued by the 2nd Respondent herein and the Letter
issued by the 3rd Respondent herein vide Lr No E5/2825/2021 dated 10/6/2021, in
so far as including land in Sy No. 41/7 of Khanamet Village, Serilingampally Mandal,
Ranga Reddy District, as illegal, arbitrary and without jurisdiction and to
consequently direct the 4th and 5th Respondents to forthwith receive, register and
release the Development Agreement presented by the petitioner in respect of the
above land, without reference to the Circular Memo No. G3/3247/2018 dated
1/5/2019 issued by the 2nd Respondent herein and the Letter issued by the 3rd
Respondent herein vide Lr No E5/2825/2021 dated 10/6/2021, by treating the said
land as non agricultural land . Award costs.

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 issue

interim directions to the Respondent Nos. 4 and 5 to forthwith receive, register and release the Development Agreement presented by the petitioner in respect of House No. 2-41/41/7/3, (PTI No.1219992192), with a built-up area of 100 Sq.feet, land admeasuring 1180 Sq.Yards, in Sy No. 41/7 situated at Khanamet Village, Serilingampally Mandal, Ranga Reddy District, without reference to the Circular Memo No. G3/3247/2018 dated 1/5/2019 issued by the 2nd Respondent herein and the Letter issued by the 3rd Respondent herein vide Lr No E5/2825/2021 dated 10.6.2021, by treating the said land as non agricultural land, pending disposal of WP 33585 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 N SRIDHAR REDDY, Advocate for the Petitioner, GP FOR Revenue for the Respondents, the Court made the following.

ORDER:

Learned counsel for the petitioner has stated that official respondents are not receiving and registering the sale deed presented by the petitioner in respect of H.No.2-41/41/7/3, with a built up area 100 sq.ft, land admeasuring 1180 sq.yards in Sy.No.41/7 of Khanamet Village, Serilingampally Mandal, Ranga Reddy District. Learned counsel has further stated that this court, on earlier occasion, in w.P.No.27120 of 2019 vide order dated 09.12.2019, has directed the Registration Authorities to register the documents in respect of the land, which is forming part of Sy.No.41/5, Khamaet Village, Serilingampally Mandal. That the petitioner has constructed a small house in the very same survey number, and therefore, prays this Court to direct the official respondents to receive, register and release the documents presented by the petitioner.

The learned Special Government Pleader appearing on behalf of the learned Advocate General has stated that on the earlier occasion, the notification was only challenged. But, pursuant to the judgment dated 23.12.2015, passed a Division Bench of this Court in W.A.Nos.343 of 2016, 232 of 2012 and 352 of 2013, the District Collector, Ranga Reddy District, has issued the proceedings dated 10.06.2021 vide Lr.No.E5/2825/2021, enclosing a separate list of prohibited properties and the same was notified by the authorities. Therefore, the petitioner cannot take umbrage under the orders of this Court, dated 09.12.2019 in w.P.No.27210 of 2019 and seeks time for filing counter.

The issue of inclusion of properties in the prohibited list under Section 22-A of the Registration Act, 1908 (for short 'the Act') was considered by the Full Bench of this Court in *Vinjamuri Rajagopala Chary V. State of Andhra Pradesh* (2015 (3) ALT 96) giving several directions. Insofar as this Writ Petition is concerned, paragraph No.25.03 of the said judgment is relevant whereunder the District Collector is vested power to notify the District Registrar/Registering Authority that the subject properties are Government properties and no deed of conveyance can be entertained.

The issue of inclusion of property in the prohibited list, not accepting the documents for registration and the scope of Section 22-A of the Act were elaborately considered by the Full Bench of this Court.

It is also appropriate to note that the decision of the Full Bench of this Court was carried to the Supreme Court in Civil Appeal No.4019 of 2018 and batch. The Supreme Court has granted liberty to the petitioners therein and any other aggrieved person to challenge the validity of Section 22-A of the Act and directed the high Court to decide the said validity. The Supreme Court has also granted interim direction of registration of deeds of conveyance, but such registration was directed to be treated as provisional subject to the result of the writ petitions now pending before the High Court and the parties should not claim any additional equity.

It is brought to the notice of this Court, that the 2nd respondent vide Memo dated 01.05.2019 directed the Registering authorities that in certain cases, the parties with an intention to circumvent the provisions of the Telangana Rights in Land and Pattadar Pass books Act, 1971 are showing bulk lands in square yards and getting the documents registered. All the Officers particularly the Registering Officers shall be vigilant to detect such frauds. Whenever, huge lands are shown in square yards, the Sub-Registrar shall invariably refer Webland (Dharani) and find out the real owners as per the revenue records and insist upon conversion certificate of agriculture land into non-agricultural land issued by the competent authority. If such vigilance is not employed, the responsible SR is liable for punishment.

According to this Court, the said Memo is not in accordance with the provisions of Registration Act and also Rules made therein. However, Sri N.Sreedhar Reddy, learned counsel for the petitioner would submit that in similar circumstances, this Court has granted interim order dated 24.08.2022 in W.P.No.33494 of 2022 directing the respondents to receive and entertain the documents submitted the petitioners therein without reference to aforesaid notification dated 10.06.2021 and Memo dated 01.05.2019 by the 2nd respondent. To maintain parity, the petitioner herein is also entitled for the same relief.

Therefore, the Registering Authority is directed to receive the document presented by the petitioner, subject to petitioner paying stamp duty and registration charges, register and release the document, if it is otherwise found to be in compliance with the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899. However, it is made clear that such registration is only a provisional one and subject to the final orders likely to be passed by this Court in the present writ petition. It is also made clear that such registration is without prejudice to the rights of the third parties, 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 11.10.2022.

//TRUE COPY//

SD/- G.SIREESHA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Regn.) Department, State of Telangana, Secretariat, Hyderabad
2. The Inspector General, of Registration and Stamps, Hyderabad
3. The District Collector, Ranga Reddy District at Lakdikapul, Hyderabad
4. The District Registrar, Ranga Reddy District
5. The Joint Sub Registrar I and II,, Office of District Registrar, Ranga Reddy District (1 to 5 by RPAD)
6. The Section Officer, Writ (non service) Section, High Court at Hyderabad.
7. One CC to SRI N SRIDHAR REDDY Advocate [OPUC]
8. Two CCs to GP FOR Revenue, High Court at Hyderabad. [OUT]
9. One spare copy

mvj

HIGH COURT

KL,J

DATED:25/08/2022

List on 11.10.2022

ORDER

WP.No.33585 of 2022

DIRECTION

