

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

:PRESENT:

THE HONOURABLE SRI JUSTICE P NAVEEN RAO

WRIT PETITION NO: 5128 OF 2021

Between:

Pinninti Rajendar Reddy, S/o. Malla Reddy,

Petitioner

AND

1. State of Telangana, Rep. by its Principal Secretary, Revenue Department. Secretariat, Hyderabad.
2. The District Registrar, Moosapet, Ranga Reddy District.
3. The Sub-Registrar, Serilingampally, Ranga Reddy District.
4. The District Collector, Ranga Reddy District.
5. The Tahsildar, Serilingampally Mandal, 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, Order or Orders, Direction or Directions to declare the action of the 3rd respondent in not releasing the Sale Deed dated 28/07/2020 in pending Document No.40/2020 in respect of Plot No. 27, Sy.No.36/A/3, Gopanpally Village, Serilingampally Mandal, R.R. District, on the ground that the land is a Poramboke / Government land as per the intimation of the Tahsildar in Lr.No.B/322/2007 dated 08/09/2011, as illegal, arbitrary and unreasonable and to set aside the letter of Tahsildar in Lr.No.B/322/2007 dated 08/09/2011 and to issue a consequential direction to the 3rd respondent to release the Sale Deed dated 28/07/2020 in pending Document No.40/2020 pertaining to Plot No. 27, Sy.No.36/A/3, Gopanpally Village, Serilingampally Mandal, R.R. District,;

(Respondents 4 & 5 are impleaded & prayer is amended as per C.O.dt.12/3/2021 in IA.Nos.2 & 3/2021 respectively)

IA NO: 1 OF 2021:

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 3rd respondent to release the Sale Deed dated 28/07/2020 in pending Document No.40/2020 pertaining to Plot No.27, Sy.No.36/A/3, Gopanpally Village, Serilingampally Mandal, R.R. District, without reference to the letter of the Tahsildar, Serilingampally Mandal in Lr.No.B/322/07 dated 08/09/2011, pending disposal of the WP 5128 of 2021, 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 VEDULA SRINIVAS Advocate for the Petitioner and GP FOR Revenue and learned Special GP appearing for Advocate General for the Respondents, the Court made the following

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Revenue and learned Special Government Pleader appearing for learned Advocate General.

At request of learned Special Government Pleader, the writ petition stands adjourned to 31.03.2021 along with W.P.No.4046 of 2021.

The deed of conveyance presented by the petitioner on Plot bearing No.27 admeasuring 250 square yards in Sy.No.36/A/3 of Gopanapally Village,

Serilingampally Mandal, Ranga Reddy District, was refused by the Sub-Registrar for registration by referring to the letter dated 08.09.2011 of the Tahsildar and Gazette Notification in file No. E5/4733/2013/ Serilingampally/Gopanapally, dated 26.09.2013.

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 was amended, no further notification was issued as required by the Registration Act, 1908. However, on 26.09.2013, 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 08.09.2011 was issued by the Tahsildar 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.

This clearly shows that there was no application of mind by the revenue authorities and by the Sub Registrar in rejecting the document for registration. On these issues, several writ petitions are filed. Though, they are glaring, so far the Government has not applied its mind and measures are not put in place to streamline registration process affecting citizens.

Subject to further consideration of the issue after the judgment of the Hon'ble Supreme Court in Civil Appeal No.4223 of 2018 and batch, the provisions of Section 22-A of the Registration Act, 1908 and the orders issued by this Court in various writ petitions, by way of interim order, the respondent-registration authority is directed to receive and process the deed of conveyance without reference to the letter dated 08.09.2011 of the Tahsildar and the Gazette Notification dated 26.09.2013, 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 action shall abide the result of the writ petition. Further, petitioner is directed not to resort to further conveyance of the subject property without leave of this Court.

SD/- K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department. State of Telangana, Secretariat, Hyderabad.
2. The District Registrar, Moosapet, Ranga Reddy District.
3. The Sub-Registrar, Serilingampally, Ranga Reddy District.
4. The District Collector, Ranga Reddy District.
5. The Tahsildar, Serilingampally Mandal, Ranga Reddy District (1 to 5 by RPAD)
6. One CC to SRI. VEDULA SRINIVAS Advocate [OPUC]
7. Two CCs to the Advocate General, High Court at Hyderabad (OUT)
8. One spare copy

HIGH COURT

PNRJ

DATED:12/03/2021

post on 31-03-2021 along with WP.No.4046 of 2021

ORDER

WP.No.5128 OF 2021

DIRECTION

