

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
WEDNESDAY ,THE SEVENTH DAY OF APRIL TWO THOUSAND AND TWENTY
ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE P NAVEEN RAO
WRIT PETITION NO: 7787 OF 2021

Between:

Sri Srinivasa Rao Burugupalli, S/o. Narayana Murthy,

Petitioner

AND

1. The State of Telangana, Represented by its Special Chief Secretary, Revenue (Registration and Stamps) Department, D-Block, 4th Floor, Telangana Secretariat, Hyderabad, Telangana-500022.
2. The District Registrar, Moosapet, Prashanth Nagar, IDA Kukatpally, Hyderabad, Ranga Reddy District, Telangana-500072.
3. The Sub-Registrar, Serilingampally, 1-60/30/76/134, 1-60/30/77/134, Anjaiah Nagar, Gachibowli, Hyderabad, Ranga Reddy District, Telangana-500081.

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 an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring that the order of the Second Respondent in proceedings bearing No. 9349/G1/2019 dated 17.06.2020 confirming the Order of the Third Respondent in Proceedings bearing Refusal No.49 of 2019 dated 27.05.2019, in respect of the Plot No. 127 in Survey Nos. 36/AA/6, situated at Gopanpally Village, Serilingampally Mandal, Ranga Reddy District, acting on the alleged notification dated 26.09.2013 in File No. E5/4733/2013/Serilingampally/Gopanpally, said to have been issued by the District Collector and the letter bearing No.B/322/2007, dated 08.09.2011 stated to have been issued by the Tahsildar and Deputy Collector, Serilingampally Mandal, in a selective manner as being illegal, arbitrary, discriminatory, contrary to law, suffers from jurisdictional errors and violative of the principles of natural justice and violative of Articles 14 and 300-A of the Constitution of India and further direct the respondents to receive and register the Sale Deed dated 27.05.2019, bearing Pending Document No. P323/2019 executed in favour of the petitioner;

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 Respondents to receive and register the Sale Deed dated 27.05.2019 bearing Pending Document No.P323/2019 in respect of the Plot No.127 in Survey Nos.36/AA/6, situated at Gopanpally Village, Serilingampally Mandal, Ranga Reddy District, without reference to the Notification dated 26.09.2013 in File No.E5/4733/2013/ Serilingampally/ Gopanpally, of the District Collector and the letter bearing No.B/322/2007, dated 08.09.2011 of the Tahsildar, Serilingampally Mandal, pending disposal of WP 7787 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 BOTLA VENKATESWARA RAO 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.

2

At request of learned Special Government Pleader, the writ petition stands adjourned to 20.04.2021.

The deed of conveyance presented by the petitioner on Plot bearing No.127 admeasuring 300 square yards in Sy.No.36/AA/6 of Sri Vinayaka Nagar Colony, 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/Gopanpally, 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 (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 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 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 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 & Batch, the provisions of Section 22-A of the Registration Act 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.

Post on 20.04.2021 along with W.P.No.4046 of 2021 for 'orders'.

SD/- B.SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Chief Secretary, Revenue (Registration and Stamps) Department, State of Telangana, D-Block, 4th Floor, Telangana Secretariat, Hyderabad, Telangana-500022.
2. The District Registrar, Moosapet, Prashanth Nagar, IDA Kukatpally, Hyderabad, Ranga Reddy District, Telangana-500072.
3. The Sub-Registrar, Serilingampally, 1-60/30/76/134, 1-60/30/77/134, Anjaiah Nagar, Gachibowli, Hyderabad, Ranga Reddy District, Telangana-500081. (1 to 3 by RPAD)
4. One CC to SRI BOTLA VENKATESWARA RAO Advocate [OPUC]
5. Two CCs to Advocate General, High Court at Hyderabad. [OUT]
6. Two CCs to GP for Revenue, High Court at Hyderabad (OUT)
7. One spare copy

HIGH COURT

PNRJ

DATED:07/04/2021

Post on 20.04.2021 along with
W.P.No.4046 of 2021 for 'orders'.

ORDER

WP.No.7787 OF 2021

DIRECTION

