
(2022) 12 TEL CK 0077
In the Telangana High Court
Case No : Writ Petition No. 45268 Of 2022

Basani Raji Reddy

APPELLANT

Vs

State Of Telangana And 2 Others

RESPONDENT

Date of Decision : 20-12-2022

Acts Referred:

Registration Act, 1908 — Section 22A(1)(a), 76

Citation : (2022) 12 TEL CK 0077

Hon'ble Judges : Mummineni Sudheer Kumar, J

Bench : Single Bench

Advocate : Kaskana David Paul

Final Decision : Disposed Of

Judgement

1. Heard Sri K. David Paul, learned counsel for the petitioner, and learned Government Pleader for Stamps and Registration appearing for the respondents. With their consent, this writ petition is disposed of at the stage of admission.
2. This Writ Petition is filed seeking to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the District Gazette Notification, dated 26.09.2013, issued by respondent No.3, as arbitrary and illegal and consequently direct respondent No.2 to entertain the registration in respect of petitioner open land reserved for proposed apartment bearing No."C" admeasuring 1191.66 sq. yards or equivalent to 996.22 sq. meters forming part of the layout issued in File No.1284/MP2/HUDA/91, dated 20.07.1998 in Survey No.44 (sub division Nos.44/3/1, 44/2 and 44/5) situated at Maktha Mahaboobpet Village, Serilingampally Mandal and Municipality, Ranga Reddy District, without reference to the Notification, dated 26.09.2013 issued by respondent No.3.
3. Sri K.David Paul, learned counsel for the petitioner, would inform this Court that the aforesaid Notification dated 26.09.2013 was considered by the common High Court for the States of Telangana and Andhra Pradesh earlier in Writ Petition No.19069 of 2014 and the common High Court directed entertainment of the

document for registration in that case without reference to the said Notification. He would also point out that similar were the observations of another learned single Judge of the common High Court for the States of Telangana and Andhra Pradesh in Writ Petition No.38491 of 2018.

4. Perusal of the Notification dated 26.09.2013 would demonstrate that the District Collector, Ranga Reddy District, purported to issue the said Notification notifying lands under Section 22-A(1)(a) of the Registration Act, 1908 (for brevity, 'the Act of 1908') and invited objections and suggestions from the affected people.

5. Section 22-A(1)(a) of the Act of 1908 prohibits registration of documents relating to transfer of immovable property, alienation or transfer of which is prohibited under any statute of the State or the Central Government. Significantly, no procedure is prescribed to the effect that a prohibitory list in relation to the lands which would be covered by Section 22-A(1)(a) of the Act of 1908 should be prepared only after calling for objections. The procedure underlying the Notification dated 26.9.2013 was therefore not sourced in any law and the orders aforesaid directing the registration authorities to ignore the same cannot be said to be without basis.

6. In that view of the matter, the Writ Petition is disposed of directing the 2nd respondent to receive and process the document presented by the petitioner without reference to the Notification dated 26.09.2013 issued by the District Collector, Ranga Reddy District. In the event the said document is found to be fit for registration, the 3rd respondent shall complete the due formalities, in accordance with law, and release the document. However, if he still finds any ground to exercise power under Section 76 of the Act of 1908 and refuse registration, he shall pass a reasoned order and communicate the same to the petitioner. This exercise shall be completed expeditiously and in any event, not later than one month from the date of receipt of a copy of this order. It is also made clear that mere registration of this document would not confer title upon the property covered thereby, if it is otherwise wanting, and would not preclude the Government from taking appropriate steps as warranted by law, if it seeks to assert any right or title over the said land.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.