

(2021) 06 TEL CK 0003
In the Telangana High Court
Case No : Writ Petition No. 22354 Of 2020

Gurram Kamalamma

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 07-06-2021

Acts Referred:

Telangana State Rights In Land and Pattadar Passbooks Act, 2020 — Section 5

Citation : (2021) 06 TEL CK 0003

Hon'ble Judges : P.Naveen Rao, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

1. Heard Mr. Rapolu Bhaskar learned counsel for petitioner, and the learned Assistant Government Pleader for Revenue for respondents.

2. Petitioner claims to have purchased Acs.6.00 guntas of land in Sy.No.588/62 of Romped village, Yellandu Mandal, Bhadradi-Kothagudem District,

by way of unregistered sale deed, dated 27.04.1967, executed by the original pattadar. Since pattadar received the full sale consideration, possession

was also vested in the petitioner, and petitioner and her family are in possession and enjoyment of the said property all along.

3. While so, petitioner claimed to have submitted several representations requesting to conduct enquiry and mutate her name in the revenue records on

the above extent of land. There is no response to the representations made and grievance of the petitioner is not redressed. Hence, this writ petition.

4. As noticed above, petitioner is claiming ownership on the subject land based on unregistered sale deed on payment of full sale consideration and

vesting possession in her. What is contended by the petitioner may be true, but when it comes to the mutation of the name of petitioner in the revenue

records, the primary requirement for a person to have acquired the right over the land by way of purchase, deed of sale by which such right is claimed to have acquired has to be registered in compliance of the provisions of the Indian Stamps Act and the Indian Registration Act. Unless and until document is registered, right cannot flow to the purchaser. In a given case, it may open to the purchaser to work out civil law remedies. Insofar as, revenue authorities are concerned, they cannot act upon an unregistered sale deed to mutate the name of the petitioner. Further, the Telangana State Rights in Land and Pattadar Passbooks Act, 2020 (Act 9 of 2020) is in force since 29.10.2020 and as per Section 5 of the Act the request for effecting changes in the revenue records can be accepted only if a person claimed to have acquired the right by way of purchase by way of registered sale deed and not otherwise. From time to time, the Government has formulated the scheme for validation of unregistered sale deeds. It appears, petitioner has not made such application availing the opportunity provided by the Government. Thus, leaving it open to petitioner to work out his remedies to establish his right over the said land, writ petition is dismissed. Pending miscellaneous petitions if any shall stand closed.