
(2021) 08 TEL CK 0024
In the Telangana High Court
Case No : Writ Petition No. 17885 Of 2021

V S Ranga Raju

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 11-08-2021

Acts Referred:

Constitution Of India, 1950 — Article 14, 300A
Registration Act, 1908 — Section 22A

Citation : (2021) 08 TEL CK 0024

Hon'ble Judges : P.Naveen Rao, J

Bench : Single Bench

Advocate : Srikanth Kaveti

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioner Sri Srikanth Kaveti and learned Assistant Government Pleader for Revenue.

2. This Writ Petition is filed seeking following relief:

to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in

not receiving registering and releasing the Gift Deed submitted by the petitioner in respect of the Plot bearing No 87 admeasuring 200 Sq Yds forming

part of the Layout issued in Sy No. 44 Sub Division Nos 44/3/1, 44/2 and 44/5 situated at Maktha Mahaboobpet Village Serilingampally Mandal under

GHMC Serilingampally Circle Ranga Reddy District as illegal arbitrary contrary to law violative of the provisions of the Registration Act 1908

discriminatory unconstitutional and in violation of Articles 14 and 300A of the Constitution of India and consequently set aside the said Notification

dated 26/09/2013 of the 4th respondent and direct the 3rd Respondent to

receive register and release the Gift Deed document presented by the petitioner in respect of the aforesaid property without reference to the notification of the 4th respondent dated 26/09/2013 and without insisting for any clearance from the Revenue Authorities and passâ?|â?|..â??

3. The issue of inclusion of properties in the prohibited list under Section 22-A of the Registration Act, 1908 (for short, â??the Actâ??) 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.25.3 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.

4. In the case on hand, what was issued by the District Collector was only a notification calling for objections and so far he has not exercised the

power vested under Section 22-A of the Act. The issue of inclusion of properties 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.

5. It is also appropriate to note at this stage 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 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.

6. The Gazette notification dated 26.09.2013 was considered in W.P.No.19069 of 2014. Paragraph No.12 of the judgment dated 25.08.2014 reads as

under :

â??Hence, the Writ Petition is disposed of directing the Sub-Registrar to receive and process the deeds of conveyance without reference to the

District Gazette notification dated 26.09.2013 in accordance with the Indian Registration Act, 1908 and the Indian Stamp Act, 1899. However, it is

open to the registering authority to refuse to register the deeds presented before him, if he has any other objection, by duly assigning reasons in support

of such decision and communicate the decision to the petitioners. It is made clear that mere registration of deed of conveyance does not confer title to

the property and it is made clear that this order does not preclude the Government to take appropriate steps as warranted by law and to assert its title.

No costs.â??

7. Following the said decision, several other Writ Petitions were disposed of.

8. In view thereof, following the earlier decision in W.P.No.19069 of 2014, dated 25.08.2014, this Writ Petition is also disposed of directing the

registering authority to receive and process the subject document without reference to the District Gazette notification dated 26.09.2013 subject to

compliance of the provisions of the Indian Registration Act, 1908 and Indian Stamp Act, 1899. It is also open to the registering authority to refuse to

register the document presented before him, if he has any other objection, by duly assigning reasons in support of such decision and communicate the

said decision to the petitioner. It is made clear that mere registration of document does not confer title to the property. It is also made clear that this

order does not preclude the Government/District Collector to take appropriate steps as warranted by law and to assert its title. There shall be no order

as to costs. Pending miscellaneous petitions, if any, shall stand closed.