

**\* THE HONOURABLE SRI JUSTICE N.V. SHRAVAN KUMAR**

**+ WRIT PETITION Nos.9645 of 2021 and 26353 of 2023**

**% Dated 22-03-2024**

Between:

# Sri Chinnaramaiahgari Shiva Rajulu  
S/o. Ch.Agamaiah

...Petitioner

and

\$ The State of Telangana,  
Rep.by its Principal Secretary (Revenue)  
Secretariat, Hyderabad and others.

....Respondents

! Counsel for the Appellant : Mr. Katika Ravinder Reddy

^ Counsel for the respondents : Mr. G.P. for Stamps and Registration

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>HEAD NOTE : ---

? Cases referred: :

1. 2005 (6) ALT 33 (SC)

2. 2011 (4) ALD 43

**THE HONOURABLE SRI JUSTICE N.V. SHRAVAN KUMAR****W.P. Nos. 9645 of 2021 and 26353 of 2023****COMMON ORDER:**

Since the issues involved in these writ petitions are common for consideration they are being disposed of by this common order.

2. **W.P. No.9645 of 2021** has been filed seeking a writ of mandamus to declare the action of the 3<sup>rd</sup> respondent i.e., Sub Registrar, Quthbullapur, Medchal-Malkajgiri District, in refusing to receive and register the sale deed presented by the petitioners in respect of property House bearing No.03-022, and Plot bearing No.03-022/NR, with a plinth area of 435 sq.ft.s., Commercial and 400 sq.ft.s., Residential in Ground Floor and 835 sq.ft.s., on first floor, thus totally 435 sq.ft.s., Commercial in Ground Floor and 1235 sq.ft.s., residential in Ground and first floors, on Plot No.1034, and land admeasuring 142 sq.yds., covered under Block No.3 and Ward No.1, in Sy.No.107, situated at Weaker Section Housing Colony, Suraram Colony of Suraram village, Quthbullapur Mandal, and Municipality, under GHMC, Medchal-Malkajgiri district (herein after referred to as 'the subject property') basing on prohibitory list under Section 22-A of Registration Act as per the 1. Ranga Reddy District Gazette Notification R.R.No.83, communicated by Joint Collector, Ranga Reddy vide File No.E5/4730/2013/Quthbullapur/Nizampet dated 25.09.2013, 2. Deputy Collector & Tahsildar Quthbullapur Mandal, File No.B/583/2012, dated 17.02.2012 and 3. Gazette Notification No.134, dated 10.03.2005 and G.O.Ms.No.292, Revenue (Registration.I), 9<sup>th</sup> March 2005 communicated by Commissioner and Inspector General (R&S), Hyderabad vide File No.G1/4661/2005, dated 02.07.2005, is illegal,

arbitrary, in violation of Articles 14, 21 and 300-A of Constitution of India and also in violation of Registration Act, 1908 besides in violation of principles of natural justice and consequently direct the respondent No.3 herein to receive and register the sale deed presented by the petitioners, in respect of the House bearing No.03.022, and plot bearing No.03-022/NR, with a plinth area of 435 sq.fts., commercial and 400 sq.fts., residential in ground floor and 835 sq.fts., in first floor, thus totally 435 sq.fts., commercial in ground floor and 1235 sq.fts., residential in ground and first floors on plot No.1034 and land admeasuring 142 sq.yds., covered under Block No.3 and Ward No.107, situated at Weaker Section Housing Colony, Suraram Colony of Suraram Village, Quthbullapur Mandal and Municipality, under GHMC, Medchal-Malkajgiri district.

3. **W.P. No.26353 of 2023** has been filed seeking a writ of mandamus questioning the action of the respondent No.3, Sub-Registrar, Quthbullapur, Medchal-Malkajgiri in not receiving and registering the sale deed presented by the petitioner in respect of all that the House No.28-169/4/2/1 (PTIN No.1151601839), with plinth area of 450 Sft., of RCC in ground floor and 450 Sft., of RCC in first floor, thus the total plinth are is 900 Sft., (G+1) of RCC admeasuring 100 square yards or 83.67 sq.meters (covered under Block No.28) in Survey No.151, situated at Maruthi Nagar of Quthbullapur village and Mandal, under GHMC Quthbullapur Circle, Medcal-Malkajgiri district, Telangana State (hereinafter referred to as 'the subject property') on the basis of prohibitory list under Section 22-A of the Registration Act, 1908 as per the 1. Ranga Reddy District Gazette

Notification R.R. No.83, communicated by Joint Collector, Ranga Reddy vide File No.E5/4730/2013/Quthbullapur/Quthbullapur dated 25.09.2013, 2. Deputy Collector & Tahsildar Quthbullapur Mandal, File No.B/583/2012, dated 17.02.2012 and 3. Gazette Notification No.134, dated 10.03.2005 and G.O.Ms.No.292, Revenue (Registration.I), 9<sup>th</sup> March 2005 communicated by Commissioner and Inspector General (Revenue & Stamps), Hyderabad vide File No.G1/4661/2005, dated 02.07.2005, as illegal, arbitrary, in violation of Articles 14, 21 and 300-A of Constitution of India and also in violation of Registration Act, 1908 besides in violation of principles of natural justice and consequently direct the respondent No.3 to receive and register the subject property without reference to the Gazette No.83.

4. Brief facts of the case in **W.P. No.9645 of 2021** are that the vendor of the petitioner is the absolute owner and possessor of the subject property and having purchased the same through registered sale deed bearing document No.7451/2012, dated 12.07.2021, the petitioner and his predecessors are in the title and in peaceful possession, without there being any interference from any quarter. It is submitted that the petitioner has prepared the sale deed and also paid Challan on 18.02.2021 and the same was presented before the 3<sup>rd</sup> respondent for registration, but the 3<sup>rd</sup> respondent has refused to receive and register the same on the ground that the subject property is located in Sy.No.107, situated at Weaker Section Housing Colony, Suraram Colony of Suraram village, Quthbullapur Mandal and Municipality, under GHMC, Medchal-Malkajgiri District, which is under

prohibitory list as per the Section 22-A of the Registration Act, basing on the following information:

“1. The property is Government land, notified as prohibited property u/s 22-A of Registration Act as per the Ranga Reddy District Gazette Notification R.R.No.83, Communicated by Joint Collector, Ranga Reddy vide File No.E5/4730/2013/ Quthbullapur/Nizampet, dated 25-09-2013.

2. Deputy Collector & Tahasildar Quthbullapur Mandal, File No. B/583/2012, dated 17-02-2012.

3. Gazette Notification No.134, dated 10-03-2005 and G.O.Ms.No.292, Revenue (Registration.I), 9<sup>th</sup> March 2005 communicated by Commissioner and Inspector General (R&S), Hyderabad Vide File No.G1/4661/2005, Dt.02-07-2005.”

5. Challenging the said action of the 3<sup>rd</sup> respondent, the petitioner filed the present writ petition.

6. Brief facts of the case in **W.P. No.26353 of 2023** are that the petitioner is the absolute owner and possessor of the subject property having purchased the same vide sale deed Document No.4914 of 2007, dated 22.03.2007, registered at SRO., Ranga Reddy. It is submitted that due to his family necessities has offered to sell the subject property to the prospective purchaser and having come to know about the same, the prospective purchaser approached and expressed his willingness to purchase the said property and upon offer and acceptance, both the parties have agreed to go further and entered into sale agreement and presented the same for registration before the respondent No.3 on 12.09.2023 but the respondent No.3 has refused to receive and register the sale deed on the

ground that the subject property is located in Sy.No.151, situated at Maruthi Nagar of Quthbullapur village and Mandal, under GHMC Quthbullapur Circle, Medchal-Malkajgiri District, as per the list in Notification R.R. No.83, dated 25.09.2013, which is under prohibitory list as per the Section 22-A of the Registration Act, based on the following information.

“1. The property is Government land, notified as prohibited property u/s 22-A of Registration Act as per the Ranga Reddy District Gazette Notification R.R.No.83, Communicated by Joint Collector, Ranga Reddy vide File No.E5/4730/2013/Quthbullapur/Quthbullapur, dated 25-09-2013.

2. Deputy Collector & Tahasildar Quthbullapur Mandal, File No. B/583/2012, dated 17-02-2012.

3. Gazette Notification No.134, dated 10-03-2005 and G.O.Ms.No.292, Revenue (Registration.I), 9<sup>th</sup> March 2005 communicated by Commissioner and Inspector General (R&S), Hyderabad Vide File No.G1/4661/2005, Dt.02-07-2005.”

7. Challenging the said action of the 3<sup>rd</sup> respondent, the petitioner filed the present writ petition.

**COUNTER FILED IN W.P. No.26353 of 2023:**

8. On behalf of the respondent No.3 in W.P. No.26353 of 2023, while denying the writ averments, counter affidavit has been filed, *inter alia*, stating that on verification of the prohibitory watch register, the land bearing in Sy.No.151, situated at Maruthi Nagar of Quthbullapur village and Mandal, under GHMC Quthbullapur Circle, Medchal-Malkajgiri District,

is classified as Government land, as such it is prohibited for registration under Section 22-A of the Registration Act, 1908 as per the following records.

- a) "Ranga Reddy District Gazette notification R.R. No.83 communicated by Joint Collector Rangareddy vide File No.E5/4730/2013/Quthfullapur/Quthbullapur, dated 25.09.2013.
- b) Deputy Collector and Tahsildar, Quthbullapur Mandal File No.B/583/2012, dated 17.02.2012 and
- c) Gazette Notification No.134, dated 10.03.2005 and G.O.Ms.No.292, Revenue (Registration.I), 9<sup>th</sup> March 2005 communicated by Commissioner and Inspector General (Registration & Stamps), Hyderabad vide File No.G1/4661/2005, dated 02.07.2005."

9. It is submitted that in pursuance to the interim direction passed by this Court on 22.09.2023 in the writ petition, the subject property in the writ petition was registered vide Document No.26459/2023 registered at SRO, Quthbullapur. It is further submitted that in the interim order dated 22.09.2023 passed by this Court, reference of Civil Appeal No.4223 of 2018 and batch has been taken whereunder the Hon'ble Apex Court directed that the Registration may go on pending the writ petition challenging the validity of Section 22-A of the Registration Act. As the validity of the Section 22-A of the Act is upheld by the Division Bench of this Court vide its order dated 19.10.2023 in W.P. No.28300 of 2007 and batch, the interim order passed by this Court on 22.09.2023 will no longer survive, as such, prayed to

vacate the interim order dated 22.09.2023 and consequently sought to dismiss the writ petition.

**SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONER:**

10. The learned counsel for the petitioner would submit that the above reasons shown by the 3<sup>rd</sup> respondent for refusing to register the subject property appears that the authorities have incorporated the subject property in the prohibitory list under Section 22-A of the Registration Act without following due process of law.

11. It is further submitted that the subject property is private patta land but for the reasons best known to the authorities for including the subject property in the prohibitory list is bad in law. It is further submitted that the respondents' authorities have failed to take note that the subject property had already been converted into plots long back and almost the entire area was converted into residential colony.

12. It is further submitted that the authorities are refusing to receive and register the subject document based on a Gazette notification issued in the year 2005, which was struck down by this Court in W.P. No.14099 of 2003 while placing reliance on the judgment rendered by the Hon'ble Supreme Court in the case of **State of Rajasthan and others Vs. Basant Nahata**<sup>1</sup> and thereafter, the Government has issued a fresh notification under the Act 19 of 2007, therefore refusal for registration of the subject property on the ground of 2005 notification is bad in law and the same is held by this Court

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<sup>1</sup> 2005 (6) ALT 33 (SC)



in the case of **T.Yedukondalu Vs. The Principal Secretary to Government<sup>2</sup>**.

13. It is further submitted that the Government Orders, which are relied on by the respondent No.3 in rejecting for registration of the subject property is G.O.Ms.No.786, dated 09.11.1999, which stipulates prohibition of registration of documents on the ground that they are opposed to public policy therefore the present case of the petitioner is also covered by the above said issue. It is further submitted that the acts of the respondents in including the subject property in the prohibitory list published under Section 22-A of the Registration Act vide G.O.Ms.No.280 to 296, dated 10.03.2005, vide File No.G1/4661/2005, dated 02.07.2005, Gazette Notification No.134, dated 10.03.2005 is illegal and arbitrary and in violation of Articles 14, 21 and 300-A of the Constitution of India and that the action of the 3<sup>rd</sup> respondent in refusing to receive and register the subject property basing on the Notification vide R.R.No.83, issued by the Collector, Ranga Reddy District, is bad in law as he is not competent to issue such notification or directions to the 3<sup>rd</sup> respondent office.

14. The learned counsel for the petitioner would further submit that in similar circumstances, this Court in W.P. No.11330 of 2019 and in W.P. No.16899 of 2019 directed the authorities to register and release the documents.

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<sup>2</sup> 2011 (4) ALD 43

15. On the other hand, the learned Government Pleader for Stamps and Registration appearing for the respondents while reiterating the counter averments would submit that the Division Bench of this Court in W.P. No.28300 of 2007 and batch wherein the validity of the Section 22-A of the Act has been challenged vide order dated 19.10.2023 passed order validating the Section 22-A of the Registration Act. Hence, he sought to dismiss the writ petition.

**INTERIM ORDERS:**

16. From a perusal of the proceedings in W.P. No.9645 of 2021, this Court on 28.04.2021, passed the following interim order:

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

Post along with w.P.No.4236 of 2021.

The deed of conveyance presented by the petitioner in respect of House bearing No.03-022 and Plot bearing No.03-022 NR with a plinth area of 435 sq. feet commercial and 400 sq. feet residential in ground floor and 1235 sq. feet residential in ground and first floors on Plot No.1034 and land admeasuring 142 sq. yards covered under Block No.3 and Ward No.1 in Survey No.107 situated at Weaker Section Housing Colony, Suraram Colonl, of Suraram Village, Quthbullapur Mandal and Municipality, under GHMC, Medchal - Malkajgiri District, was refused for registration by referring to File No.E5/4730/2013/Quthubullapur/Gajularamaram, dated 25.09.2013, File No.B/583/2012 dated 17.02.2012 of the Tahsildar, Quthubullapur Mandal, Gazette Notification No.134, dated 10.03.2005, and G.O.Ms.No.292, dated 09.03.2005.

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. 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 17.02.2012 was issued by the Tahsildar notifying the particular property as the 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 Raiagopala 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 this issue, several writ petitions are filed. Though, they are glaring, so far the Government has not applied its mind and measures are 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 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 document, without reference to the letter dated 17.02.2012, and the Gazette Notification, dated 25.09.2013, 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.”

17. From a perusal of the proceedings in W.P. No.26353 of 2023, this Court on 22.09.2023, passed the following interim order:

“Notice before admission.

Learned Assistant Government Pleader for Stamps and Registration waives notice for Respondent Nos.1 to 5.

Heard Sri T.V.Srikanth, learned counsel for the Writ Petitioner as well as Sri B.Dileep Kumar, learned Assistant Government Pleader for Stamps and Registration, who is representing Respondent Nos.1 to 5.

This Writ Petition is filed seeking the Court to declare the inaction of the 3<sup>rd</sup> respondent i.e., Sub-Registrar, Quthbullapur Mandal, Medchal-Malkajgiri District, in receiving and registering the Sale Deed presented by the petitioner in respect of House No.28-169/4/2/1, admeasuring 100.0 Sq.yards, located in Sy.No.151 (Covered under Block NO.28) of Maruthi Nagar, Quthbullapur Village and Mandal, under GHMC Quthbullapur Circle, Medchal-Malkajgiri District, on the ground that the Survey number where the House is located is notified as prohibited property under Section 22A of the Registration Act vide Gazette Notification No.E5/4730/2013 dated 25.09.2013 and File No.B/583/2012, dated 17.02.2012, as illegal and arbitrary and consequently to direct the said Public Authority to receive and register the said document.

Learned counsel for the petitioner states that the Division Bench of this Court, through orders dated 07.12.2005, in W.P.No.14099 of 2003 and Batch, has set-aside the Gazette notification and no further notification was issued as per law. Learned counsel for the petitioner states that the Registering Authority has thus no power of refusal to receive the document. Learned counsel brought to the notice of this Court the order of this Court in W.P.No.4236 of 2021, dated 25.02.2021, wherein this Court observed as follows:-

*"The deed of conveyance presented by the petitioner in respect of house bearing No.28-1741218 with a plinth area of 2100 sq. ft., G+2, and Pent House on plot bearing No.218, admeasuring 105 Sq yards in Sy.No.151, Vijayanagar Colony, Maruthi Nagar, Quthbullapur Village, GHMC Circle, Medchal-Malkajgiri District was refused for registration by referring to File No.E5/4730/2013/Quthbullapur/Nizampet, dated 25.09.2013, File No.8/583/2012 dated 17.02.2012 of the Tahsildar, Quthubullapur Mandal, Gazette notification No.134, dated 10.03.2005 and G.O.Ms.No.292 dated 09.03.2005.*

*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(l) 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 this issue several writ petitions are filed. Though, they are glaring, so far Government has not applied its mind and measures are 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 & Bath, 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 17.02.2012 and the Gazette Notification dated 25.09.2013 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."*

Learned Assistant Government Pleader did not bring to the notice of this Court anything to hold that the present Writ Petition stands on a different footing as that of the Writ Petition that is referred supra.

Therefore, pending consideration of the matter, which would be taken after the judgment of the Hon'ble Supreme Court in Civil Appeal No.4223 of 2018 and Batch, this Court is of the view that an interim order can be issued directing the Registering Authority to receive and proceed with the registration in case the deed presented is in accordance with the provisions of the Registration Act, 1908 and Indian Stamp Act, 1899.

Resultantly, the Sub-Registrar, Quthbullapur Mandal Medchal-Malkajgiri District, is directed to receive and register the Sale Deed that would be presented by the petitioner in respect of the subject property i.e., in respect of House No.28-169/4/2/1, admeasuring 100.0 Sq.yards, located in Sy.No.151 (Covered under Block No.28) of Maruthi Nagar, Quthbullapur Village and Mandal, under GHMC Quthbullapur Circle, Medchal-Malkajgiri District, without reference to the letter dated 17.02.2012 and the Gazette Notification dated 25.09.2013, however on compliance of the provisions of the Registration Act, 1908 and Indian Stamp Act, 1899. The Registration be carried out after ascertaining the status of land as reflected in the revenue records. The parties are prohibited from proceeding with further conveyance of the property except on obtaining required permission from this Court. Further, the registration shall be subject to the final result of the writ petition.

Registry to make an endorsement on the Writ petition to the effect that the same shall not be permitted to be withdrawn.

List on 11.10.2023.”

**ANALYSIS:**

18. In the cases on hand, what was issued by the District Collector was only a Notification in R.R. No.83 dated 25.09.2013 calling for objections and

suggestion on the proposal from all persons, who are likely to be affected thereby for being taken into consideration by the Government and so far the District Collector 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 in **Vinjamuri Raiagopala Chary**. It is significant to note here that the decision of the Full Bench of this Court was carried to the Hon'ble Supreme Court in Civil Appeal No.4223 of 2018 and batch. The Hon'ble 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 Hon'ble 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. Eventually, the Hon'ble Supreme Court held as under:

“7. We note that in all these appeals, registration has been permitted making it subject to the result of the appeals with a further condition that no further registration shall take place without permission from the Court. It is ordered that the registration already permitted by this Court shall be treated as a provisional registration subject to the result of the writ petitions now pending before the High Court. We make it clear that merely because registration has been permitted, the parties shall not claim any additional equity. We further make it clear that without express permission from the High Court, there shall be no further transfer. In order to avoid



further difficulty to the similarly situated people, we make it clear that it will be open to them to approach the High Court and seek appropriate and similar interim orders regarding transfers during the pendency of the writ petitions.

8. The learned senior counsel has pointed out that same mechanism for redressal under Section 22 A (1) (e) may be made applicable as far as the grievance in respect of Section 22A (1) (a) to (d) is concerned. It is pointed out that even in respect of the orders which have otherwise become final, they would be relegated to the same authority and will be subject to further revision/appeal etc. This is also a matter to be considered by the High Court when the writ petitions are finally heard. Therefore, we permit the parties to raise this contention also before the Bench concerned while considering the vires of the Section, in order to reach a workable solution. The Court may consider the issue on its own merit and the impugned order shall not stand in that way.

9. We further make it clear that we have not otherwise considered the matter on merits.

10. In view of the above, the appeals are disposed of.”

19. Thereafter, the Division Bench of this Court in W.P. No.28300 of 2007 and batch had dealt with the validity of Section 22-A of the Act as incorporated in the Registration Act, 1908 and the Amended Act, 19 of 2007 with effect from 20.06.2007, which was under challenge. The Division Bench of this Court vide its common judgment dated 19.10.2023 had upheld the validity of the Section 22-A of the Act.

20. For the facility of reference, Section 22-A of the Act is extracted hereunder.

“22-A. Prohibition of Registration of certain documents:--

(1) The following classes of documents shall be prohibited from registration, namely:--

(a) documents relating to transfer of immovable property, the alienation or transfer of which is prohibited under any statute of the State or Central Government;

(b) documents relating to transfer of property by way of sale, agreement of sale, gift, exchange or lease in respect of immovable property owned by the State or Central Government, executed by persons other than those statutorily empowered to do so;

(c) documents relating to transfer of property by way of sale, agreement of sale, gift, exchange or lease exceeding (ten) 10 years in respect of immovable property, owned by Religious and Charitable Endowments falling under the purview of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 or by Wakfs falling under the Wakfs Act, 1995 executed by persons other than those statutorily empowered to do so;

(d) Agricultural or urban lands declared as surplus under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 or the Urban Land (Ceiling and Regulation) Act, 1976;

(e) Any documents or class of documents pertaining to the properties the State Government may, by notification prohibit the registration in which avowed or accrued interests of Central and State Governments, Local Bodies, Educational, Cultural, Religious and Charitable Institutions, those attached by Civil, Criminal, Revenue Courts and Direct and Indirect Tax Laws and others which are likely to adversely affect these interest.

(2) For the purpose of Clause (e) of sub-section (1), the State Government shall publish a notification after obtaining reasons for and full description of properties furnished by the District Collectors concerned in the manner as may be prescribed.

(3) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification issued under Clause (e) of sub-section (1).

(4) The State Government either *suo motu* or on an application by any person or for giving effect to the final orders of the High Court of Andhra Pradesh or Supreme Court of India may proceed to denotify, either in full or in part, the notification issued under sub- section (2).”

21. The Division Bench of this Court in the above batch of W.P. No.28300 of 2007 vide its common judgment dated 19.10.2023 at para No.25 held as under:

“25. Thus, from a perusal of the statement of Objects and Reasons, it is evident that Section 22A of the Act has been incorporated to empower the Government to notify the registration of such documents or class of documents as opposed to public policy and to reject their registration. The Act has been amended to overcome the deficiency pointed out by a Division Bench of this Court and the Supreme Court in **Basant Nahata** (supra) and to avoid illegal transactions of transfer of property relating to Government, religious and charitable institutions. The object of the provision is to protect the vacant lands as well as the properties in which State Government has either avowed or accrued interest, properties belonging to local bodies as well as religious and charitable institutions and wakfs. With rapid increase of population and industrialization, the prices of land available for agriculture and human inhabitation have skyrocketed.

The land mafia and unscrupulous elements are grabbing the land and encroaching the public and private properties and are also executing the registered documents affecting immovable properties of third parties. The aforesaid activity of grabbing vacant lands is a social evil which is sought to be remedied by enacting Section 22A of the Act.”

22. The Division Bench of this Court in its judgment dated 19.10.2023 also referred the Full Bench paragraphs 155 and 156 at para 30, which reads as under:

“30. Thereafter, the Full Bench of this Court in **Vinjamuri Rajagopala Chary** in paragraphs 155 and 156 of its decision held as follows:

“155. Further, as noticed earlier the State Government is empowered either suo motu or on application to consider the grievances against inclusion of any property in the prohibitory list under Section 22-A of Registration Act and is also empowered to de-notify either in full or in part the notification issued under sub-section (2). In our opinion, the redressal mechanism is available only with respect to notifications published relating to the properties falling under clause (e) of Section 22-A. Hence, any grievance of the parties with reference to the properties covered by clauses (a) to (d) will have to be questioned by the aggrieved parties only by appropriate proceedings before a competent Court and the adjudication by such Court would be final. Further, so far as notified properties falling under clause (e) are concerned, the redressal mechanism under subsection (4) of Section 22-A would be able to effectively address the grievance provided the mechanism thereunder is effective, expeditious, fair, and judicious. Thus, in order to make an effective redressal mechanism, we deem it appropriate to direct the respective Governments of both the States to constitute a Committee or

establish a Forum within time frame, may be comprising of Principal Secretary of Revenue, Director of Survey and Land Records and a retired Judicial Officer of the rank of a District Judge which shall meet periodically to consider the grievances of the persons affected by the notifications. The Committee shall be empowered to examine relevant records and then pass a reasoned order either accepting or rejecting the grievance by either confirming/deleting/modifying any such property from the notified list of properties. In our view, such orders passed by the Committee shall be binding on the State as well as on the aggrieved person and in the event of any of them being aggrieved thereby, they shall have to approach a competent Court of Law for redressal of their grievance.

**156.** We, thus, summarize our conclusions and issue directions as follows :

(i) The authorities mentioned in the guidelines, which are obliged to prepare lists of properties covered by clauses (a) to (d), to be sent to the registering authorities under the provisions of Registration Act, shall clearly indicate the relevant clause under which each property is classified.

(ii) Insofar as clause (a) is concerned, the concerned District Collectors shall also indicate the statute under which a transaction and its registration is prohibited. Further in respect of the properties covered under clause (b), they shall clearly indicate which of the Governments own the property.

(iii) Insofar as paragraphs (3) and (4) in the Guidelines, covering properties under clause (c) and (d) are concerned, the authorities contemplated therein shall also forward to the registering authorities, along with lists, the extracts of registers/gazette if the property is covered by either endowment or wakf, and declarations/orders made under the provisions of Ceiling Acts if the property is covered under clause (d).

(iv) The authorities forwarding the lists of properties/lands to the registering authority shall also upload the same to the website of both the Governments, namely [igrs.ap.gov.in](http://igrs.ap.gov.in) of the State of Andhra Pradesh and [registration.telangana.gov.in](http://registration.telangana.gov.in) of the State of Telangana. If there is any change in the website, the State Governments shall indicate the same to all concerned, may be by issuing a press note or an advertisement in prominent daily news papers.

(v) No notification, contemplated by sub-section (2) of Section 22A, is necessary with respect to the properties falling under clauses (a) to (d) of subsection (1) of Section 22-A.

(vi) The properties covered under clause (e) of Section 22-A shall be notified in the official gazette of the State Governments and shall be forwarded, along with the list of properties, and a copy of the relevant notification/gazette, to the concerned registering authorities under the provisions of Registration Act and shall also place the said notification/gazette on the aforementioned websites of both the State Governments. The Registering authorities shall make available a copy of the Notification/Gazette on an application made by an aggrieved party.

(vii) The registering authorities would be justified in refusing registration of documents in respect of the properties covered by clauses (a) to (d) of subsection (1) of Section 22-A provided the authorities contemplated under the guidelines, as aforementioned, have communicated the lists of properties prohibited under these clauses.

(viii) The concerned authorities, which are obliged to furnish the lists of properties covered by clauses (a) to (d) of subsection (1) of Section 22-A, and the concerned Registering Officers shall follow the guidelines scrupulously.

(ix) It is open to the parties to a document, if the relevant property/land finds place in the list of properties covered by clauses (a) to (d) of sub-section (1) of Section 22-A, to apply for its deletion from the list or modification thereof, to the concerned authorities as provided for in the guidelines. The concerned authorities are obliged to consider the request in proper perspective and pass appropriate order within six weeks from the date of receipt of the application and make its copy available to the concerned party.

(x) The redressal mechanism under Section 22-A(4) shall be before the Committees to be constituted by respective State Governments as directed in paragraph-35.1 above. The State Governments shall constitute such committees within eight weeks from the date of pronouncement of this judgment.

(xi) Apart from the redressal mechanism, it is also open to an aggrieved person to approach appropriate forum including Civil Court for either seeking appropriate declaration or deletion of his property/land from the list of prohibited properties or for any other appropriate relief.

(xii) The directions issued by learned single Judges in six judgments (W.P.No.2775 of 2009, dated 15.03.2011; W.P.Nos.20050 of 2011 and batch, dated 08.09.2011; W.P.No.26566 of 2011, dated 18.01.2013; W.P.No.30526 of 2012 and batch, dated 31.12.2012; W.P.No.31409 of 2014, dated 29.01.2015 and W.P.No.24587 of 2014 and batch 01.06.2015) or any other judgments dealing with the provisions of Section 22-A, if are inconsistent with the observations made or directions issued in this judgment, it is made clear that the observations made and directions issued in this judgment shall prevail and would be binding on the parties including the registering authorities under the Registration Act or Government officials or the officials under the Endowments Act, Wakf Act and Ceiling Acts.

(xiii) If the party concerned seeks extracts of the list/register/gazette of properties covered by clauses (a) to (e) of Section 22-A (1), received by the registering officer on the basis of which he refused registration, it shall be furnished within 10 days from the date of an application made by the aggrieved party.

(xiv) Registering officer shall not act and refuse registration of a document in respect of any property furnished to him directly by any authority/officer other than the officers/authorities mentioned in the Guidelines.

(xv) Mere registration of a document shall not confer title on the vendee/alienee, if the property is otherwise covered by clauses (a) to (e), but did not find place in the lists furnished by the concerned authorities to the registering officers. In such cases, the only remedy available to the authorities under clauses (a) to (e) of sub-section (1) of Section 22-A is to approach appropriate forums for appropriate relief.”

23. From a perusal of the Notification in R.R. No.83, dated 25.09.2013, the subject lands were notified under Section 22-A (1)(a) for the purpose of Section 22-A(1). It is only a notice given inviting objections and suggestions on the above proposal from all persons who are likely to be affected thereby for being taken into consideration by the Government. The details of the properties mentioned in the annexure states that the subject lands are Government lands.

24. Section 22-A (1) (e) of the Act manifests that any documents or class of documents pertaining to the properties, the State Government may, by notification prohibit the registration in which avowed or accrued interests



of Central and State Governments, Local Bodies, Educational, Cultural, Religious and Charitable Institutions, those attached by Civil, Criminal, Revenue Courts and Direct and Indirect Tax Laws and others which are likely to adversely affect these interest.

Section 22-A (2) reads as under:

“(2) For the purpose of Clause (e) of sub-section (1), the State Government shall publish a notification after obtaining reasons for and full description of properties furnished by the District Collectors concerned in the manner as may be prescribed.”

25. It is pertinent to note that in the case of **Vinjamuri Rajagopala Chary** (Supra) paras 156 had summarized and issued directions. As per the Clause (v) no notification is contemplated under sub-section (2) of Section 22-A with respect to the properties falling under clauses (a) to (d) of sub-section (1) of Section 22-A. As per Clause (vi), the properties covered under clause (e) of Section 22-A shall be notified in the official Gazette of the State Governments and shall be forwarded, along with the list of properties, and a copy of the relevant notification/Gazette, to the concerned registering authorities under the provisions of Registration Act and shall also place the said notification/Gazette on the websites of both the State Governments.

26. The subject lands in these writ petitions as per the Notification in R.R.No.83 in File No.E5/4730/2013/Quthbullapur/Quthbullapur, dated 25.09.2013, which according to the District Collector were classified as Government lands and a Notification was issued calling for objections/suggestions before placing for prohibitions. Section 22-A (1) (e)

and (2) stipulates that if any land is classified and determined as Government land, the Government shall publish an official Gazette notification after obtaining reasons for and full description of properties furnished by the District Collector concerned in the manner as prescribed. In the case on hand, the respondents have not followed the provisions of Section 22-A(1)(e)(2) and the guidelines issued by the Full Bench in the case of **Vinjamuri Rajagopala Chary** (Supra) wherein at para 156 held that the authorities are obliged to follow Clause (vi) for those properties covered under Clause (e) of Section 22-A of the Act, whereby such lands have to be notified in the official Gazette of the State. The Notification in R.R. No.83 dated 25.09.2013 communicated by the Joint Collector, Ranga Reddy vide File No.E5/4730/2013/Quthbullapur/Quthbullapur, dated 25.09.2013; Deputy Collector and Tahasildhar, Quthbullapur Mandal, File No.B/583/2012, dated 17.02.2012 and the Gazette Notification No.134, dated 10.03.2005 and G.O.Ms.No.292, Revenue (Registration-I), 9<sup>th</sup> March 2005 communicated by the Commissioner and Inspector General (Revenue & Stamps), Hyderabad vide File No.G1/4661/2005, dated 02.07.2005 are not in accordance with the provisions of the Section 22-A (1) (e) and 22 (1)(2) and also as per Clause (vi) of the guidelines issued in the case of **Vinjamuri Rajagopala Chary** (Supra) and the same cannot be the basis for denying for registration of the subject properties.

27. Further, the Tahsildar vide File No.B/583/2012, dated 17.02.2012 had notified the particular property as the Government land and requested the Sub-Registrar not to register any deed of conveyance. The District

Collector on 25.09.2013 had issued preliminary notification calling for objections and the said notification was found to be defective by this Court in W.P. No.19069 of 2014 dated 25.08.2014.

28. It is also pertinent to note that in the counter filed in W.P. No.26353 of 2023 prohibiting transfer/registration that subsequent to the Notification in R.R. No.83 dated 25.09.2013 the answering respondents have not taken any steps in notifying in the official Gazette of State Government in terms of the guideline No.(vi) issued by the Full Bench in the case of **Vinjamuri Rajagopala Chary** (Supra).

29. As such, the Notification in R.R.No.83 in File No.E5/4730/2013/Quthbullapur/Quthbullapur, dated 25.09.2013, is only a notice given for inviting objections and suggestions and this cannot be the basis for refusal for registration of the subject properties. In view of the same, Gazette Notification in R.R. No.83, dated 25.09.2013, communicated by the Joint Collector, Ranga Reddy vide File No.E5/4730/2013/Quthbullapur/Gajularamaram, dated 25.09.2013, 2) Deputy Collector & Tahsildar Quthbullapur Mandal, File No.B/583/2012, dated 17.02.2012 and the Gazette Notification No.134, dated 10.03.2005 and G.O.Ms.No.292, dated 09.03.2005 are not in consonance to the provisions of Section 22-A of the Registration Act, 1908 and 22-A(1)(e) and Clause (vi) of the guidelines and the same cannot be referred for the purpose of denying registration of the subject properties. Consequently, reference made vide in File No.E5/4730/2013/Quthbullapur/Gajularamaram, and File

No.E5/4730/2013/Quthbullapur/Quthbullapur, dated 25.09.2013 and File No.B/583/2012 dated 17.02.2012 of the Tahsildar, Quthbullapur Mandal, are declared as illegal, arbitrary and bad in law and are hereby set aside.

30. Accordingly, W.P. Nos.9645 of 2021 and 26353 of 2023 are allowed.

31. This Court on 22.09.2023, while directing the Registering authority to receive and process the document without reference to the letter dated 17.02.2012, and the Notification in R.R. No.83 dated 25.09.2013, had directed the petitioner not to resort to further conveyance of the subject property without leave of this Court. In this regard, it is made clear that since these writ petitions (W.P. Nos.9645 of 2021 and 26353 of 2023) are allowed, the condition that was imposed to the effect that not to resort to further conveyance of the subject property is hereby recalled. The Registering Authorities are directed to make necessary changes in the records.

32. It is made clear that mere registration of the document does not confer title on the subject property and it is also made clear that this order would not have any bearing on all those matters where title/rights of the parties are pending before the authorities either in revision/appeals for adjudication and in any other case this order also does not preclude the parties in asserting their rights before a competent Court of law. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

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**JUSTICE N.V. SHRAVAN KUMAR**

**Date: 22.03.2024**

**Note: L.R. copy be marked.  
B/o.  
LSK**