

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

**+ WRIT PETITION No.7609 of 2024**

**% Dated 22-03-2024**

Between:

# Sabia Sultana and others

... Petitioners

and

\$ The State of Telangana,  
Represented by its Principal Secretary,  
Revenue (Stamps and Registration) Department,  
Secretariat, Hyderabad, and others.

....Respondents

! Counsel for the Petitioners : Mr. Vedula Venkataramana

^ Counsel for the respondents : Govt.Pleader of Stamps and  
Registration

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>HEAD NOTE : ---

? Cases referred: :

**THE HONOURABLE SRI JUSTICE N.V. SHRAVAN KUMAR****W.P. No.7609 of 2024****ORDER:**

Heard the learned Senior Counsel Sri Vedula Venkataraman appearing for the petitioners and the learned Assistant Government Pleader for the respondents and perused the material made available on the record. With the consent of both the parties, this writ petition is being disposed of at the threshold.

2. This writ petition has been filed seeking a writ of mandamus declaring that the subject land admeasuring Acs.9.36 guntas in Sy.No.51 of Gandhamguda village, Gandipet Mandal, Ranga Reddy District, which was earlier included in the list of prohibited properties under Section 22-A of the Registration Act, cannot be continued/construed as hit by Section 22-A of the Registration Act in view of the judgment of the Special Tribunal in ST/D1/B/915/2018/2021, dated 10.12.2021 and the mutation granted in favour of the petitioners in terms of the entries contained in the Dharani webportal and consequently delete the subject land from the list of prohibitory properties under Section 22-A of the Registration Act for the reasons that there is no Gazette publication of the subject lands under Section 22-A of the Registration Act and direct the 5<sup>th</sup> respondent, Tahsildar, to entertain and register the sale deeds that may be executed and presented by the petitioners without raising an objection that the subject land is covered by Section 22-A of

the Registration Act for the reason that there is no Gazette notification in which the subject lands are included as prohibited under Section 22-A of the Registration Act and release the registered documents to the petitioners or their power of attorney holder.

3. It is the case of the petitioners that they are the absolute owners and possessors of all that subject land admeasuring Acs.9.36 guntas in Sy.No.51 of Gandhamguda village, Gandipet Mandal, Ranga Reddy District (hereinafter referred to as 'the subject property') and they were granted mutation by the Court of Special Tribunal, Ranga Reddy District in Case No.ST/D1/B/915/2018/2021 dated 10.12.2021 and also mutated their names as the Pattadars and possessors in the Dharani Webportal in respect of the subject property vide Kata No.60170 and the nature of the land is described as private patta land. Thus the order dated 10.12.2021 of the Special Tribunal has clearly stated that the subject land held by the Jagirdar Mohammed Mazheruddin is declared as private patta land and it can no more be continued as Government land.

4. It is further submitted that prior to the said order dated 10.12.2021 of the Special Tribunal, the 4<sup>th</sup> respondent, District Collector had addressed a letter dated 10.06.2021 to the 3<sup>rd</sup> respondent, District Registrar to the effect that the subject land is placed in the prohibitory list under Section 22-A of the Registration Act as Government land but in view of the order dated 10.12.2021 of the Special Tribunal, the nature of the land has been decided to be

private patta land and hence it no longer can be construed as continuing in the prohibitory list under Section 22-A of the Registration Act.

5. It is further submitted that the petitioners earlier filed W.P. No.3195 of 2024 questioning the action of the 5<sup>th</sup> respondent, Tahsildar, in not entertaining to register the sale deeds executed and presented by the petitioners in respect of the subject land and this Court vide its order dated 07.02.2024 disposed of the said writ petition with a direction to the 5<sup>th</sup> respondent, Tahsildar, to consider the online application bearing No.2400058947 dated 01.01.2024 submitted by the petitioners to entertain and register the sale deeds that may be executed and presented by the petitioners in respect of the subject land and release the sale deeds in accordance with the Registration Act and Stamps Act within a period of three weeks from the date of receipt of a copy of the order. But, thereafter, in pursuance to the order dated 07.02.2024 passed in W.P. No.3195 of 2024 by this Court, the 5<sup>th</sup> respondent, Tahsildar, vide impugned endorsement in File No.B/95/2024 dated 06.03.2024 has rejected to register the sale deeds presented by the petitioners in respect of the subject land on the ground that the subject land is notified under Section 22-A of the Registration Act and the registration process cannot be done until and unless the subject land is de-notified from the Section 22-A of the Registration Act. Hence, the petitioners filed the present writ petition.

6. The learned Senior Counsel Sri Vedula Venkataramana appearing for the petitioners, while drawing the attention of this Court to the order dated 10.12.2021 of the Special Tribunal, Ranga Reddy District, would submit that inspite of declaring the subject land as private patta land, which has attained the finality, the 4<sup>th</sup> respondent, District Collector, is not taking any steps to de-notify the subject property from the prohibitory list of Section 22-A of the Registration Act.

7. He would further submit that prior to the order dated 10.12.2021 of the Special Tribunal, Ranga Reddy District, the subject land was included in the list of prohibitory lands as per the letter dated 10.06.2021 of the 4<sup>th</sup> respondent, District Collector, and subsequently in the order dated 10.12.2021, the Special Tribunal, Ranga Reddy District, has clearly held that the subject land is private patta land and not Government land. He further submitted that when the order of the Special Tribunal has attained finality, it is not open to the registering authority to reject registration of the sale deeds of the petitioners on the same ground that the subject land, at one point of time, was included in the prohibitory list of lands under Section 22-A of the Registration Act. It is further submitted that there is no Gazette publication in respect of the subject lands to continue under the prohibited list under Section 22-A of the Registration Act hence, sought a direction to the authorities to de-notify the subject land from the list of prohibitory properties under Section 22-A of the

Registration Act and also to direct the Registering authority to entertain and register the sale deeds that may be executed and presented by the petitioners without raising an objection that the subject land is covered by Section 22-A of the Registration Act and to release the registered documents to the petitioners or their power of attorney holder.

8. On the other hand, the learned Assistant Government Pleader appearing for the respondents has fairly admitted that no Gazette publication was issued notifying the subject land prohibiting registration under Section 22-A of the Registration Act and the 4<sup>th</sup> respondent, District Collector, is the appropriate authority to de-notify the subject land from the prohibited list under Section 22-A of the Registration Act.

9. Having gone through the material on record, it appears that the subject property was included in the prohibited list under Section 22-A of the Registration Act as Government land, that too without any proper Gazette Notification. It is clear from the order dated 10.12.2021 of the Special Tribunal, Ranga Reddy District, that the subject land is declared as private patta land and it can no more be continued and classified as Government land. It is the specific submission made by the learned Senior Counsel that the order dated 10.12.2021 of the Special Tribunal, Ranga Reddy District, had attained finality.

10. It is evident from the record that with reference to the order dated 07.02.2024 passed in W.P. No.3195 of 2024 by this Court, the Registering authority made an endorsement in the letter dated 06.03.2024 that *“on verification of office records the Sy.No.51 to an extent of Acs.0.36 guntas of Gandamguda village is notified under Section 22-A of the Registration Act, 1908. At this juncture, the registration process cannot be done until unless de-notified the lands from the 22-A register of Gandamguda village, Gandipet Mandal by the competent authority.”*

11. At this juncture, it is not out of place to refer the order dated 19.10.2023 passed in W.P. No.28300 of 2007 and batch wherein and whereby challenged the validity of Section 22-A of the Registration Act and the Division Bench of this Court had upheld the validity of the Section 22-A of the Registration Act.

12. 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)."*

13. The Division Bench of this Court in the above batch of W.P. No.28300 of 2007 and batch 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."*

14. The Division Bench of this Court in its judgment dated 19.10.2023 also referred the Full Bench paragraphs 155 and 156 at para Nos.30, 40 to 42 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 sub-section (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.”*

40. The Full Bench of this Court **in Vinjamuri Rajagopala Chary** (supra), after taking note of aforesaid guidelines, in para in 137 held as under:

137. Therefore, this notification which provides guidelines to the District Collectors for furnishing reasons and description of property prohibited from registration takes adequate care to prevent abuse and misuse of

*clause (e) of Section 22A(1) of the Registration Act. Hence, the apprehensions expressed. before us are misplaced and do not need countenance. Further, the notification either in part or full is always subject to the Judicial Review. Therefore, in view of the adequate safety measures provided under Section 22A, in particular sub-sections (2) and (4) thereof insofar as clause (e) of sub-section (1) is concerned and the guidelines insofar as clauses (a) to (d) are concerned, in our opinion, any such misuse or abuse is subject to review by the Government and also judicial review and therefore, there is no possibility for any misuse or abuse and any such acts of misuse and/or abuse are amenable for correction.*

*41. The authority has to exercise the power under Section 22A of the Act in consonance with aforesaid guidelines. Therefore, the contention that exercise of power under Section 22A of the Act is unbridled or unfettered does not deserve acceptance. Even otherwise, a mere possibility of misuse of a provision ground not invalidate the same.*

*42. In view of preceding analysis, we do not find any merit in these writ petitions. The same fail and are hereby dismissed. The writ appeals are allowed.”*

15. Having regard to the facts and circumstance of the case and the submissions made by the learned counsel on either side, this writ petition is allowed with a direction to the respondents authorities, especially the 4<sup>th</sup> respondent, District Collector, Ranga Reddy District, to de-notify the subject land admeasuring Acs.9.36 guntas in Sy.No.51 of Gandhamguda village, Gandipet

Mandal, Ranga Reddy District, taking into consideration the order dated 10.12.2021 passed by the Special Tribunal, Ranga Reddy District, which is stated to be attained finality, and thereafter, the Registering authority i.e., the 5<sup>th</sup> respondent, Tahsildar, is directed to entertain, register and release the sale deeds that may be executed and presented by the petitioners or their power of attorney holder subject to the compliance of provisions of the Indian Registration Act, 1908 and Indian Stamp Act, 1899, within a period of three weeks from the date of receipt of a copy of this order.

16. 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.

17. In the result, this writ petition is allowed accordingly. 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: Furnish C.C. by today.**

**B/o.**

**SHA/LSK\***