

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

W.P.Nos.16799, 16800, 16802, 16803, 16804, 16805, 16806, 16808, 16812, 16814, 16818, 16821, 16824, 16825, 16829, 16831, 16833, 16834, 16835, 16836, 16837, 16848, 16856 and 17765 of 2024

COMMON ORDER:

Since the issue raised in all these twenty four (24) writ petitions is one and the same, they are being disposed of by this common order.

2. For the sake of convenience, WP No.16836 of 2024 is taken as a lead matter.

3. The common grievance in these writ petitions is that the Sub-Registrar, Pedda Amberpet, Ranga Reddy District i.e., respondent No.3 is refusing to register the sale deeds presented by the petitioners herein with respect to the subject property pertaining to the jurisdiction of Pedda Amberpet, Ranga Reddy District and had kept all the documents pending which is arbitrary illegal and violative of Article 14, 16, 21 & 300-A of the Constitution of India.

4. Since the rejection is common in all these writ petitions, WP No.16836 of 2024 is taken up as the lead matter in which the brief facts are that the petitioner purchased the land bearing Plot No.89, admeasuring 167 Sq.Yard or its equivalent to 139.61 Sq.mts. in Survey No.265(Part) situated at Pedda Amberpet Village,

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Abdullapurmet Revenue Mandal vide registered sale deed, dated 04.04.2006, bearing No.8234 of 2006, registered at SRO Pedda Amberpet. The petitioner with an intention to sell the subject property submitted draft sale deed, before respondent No.3 on 27.05.2024 for registration, after paying the requisite stamp duty. However, the respondent No.3 has refused to register the documents and the same was informed to the petitioner by respondent No.3, vide refusal order No.134/2024, dated 10.06.2024 stating that the subject property is prohibited in view of the orders dated 23.08.2014 in case No.F1/441/2009 passed by the Joint Collector, Ranga Reddy District. It is submitted that in terms of the orders dated 17.08.2017 passed in WP No.39329 of 2014 and WP No.24820 of 2015 by this Court, the status quo with regard to the question of property shall be maintained till the matter is decided by the RDO. In the backdrop of the said circumstances, the registration of pending Document No.P.84 of 2024 of SRO Padda Amberpet styled as sale deed was refused.

5. It is submitted that in pursuance to the order, dated 17.08.2017, in Case No.J/4088-7/2014, the Revenue Divisional Officer & Inam Tribunal, Ibrahimpatnam Division, Ranga Reddy District, vide order dated 23.05.2024, rejected the claim of the petitioner therein for issuance of Occupancy Right Certificate to them under Section-5 of AP (TA) Abolition of Inams Act, 1955. It is

further submitted that since the RDO order, dated 23.05.2024 had rejected the claim of the petitioner therein, as such, there should not be any embargo on the Registering Authority to register the subject document. The petitioner thereafter approached the respondent No.3 for registration, however the respondent No.3 had categorically stated that unless there is a Court order, the subject document will not be entertained for registration and had passed the refusal order. Learned counsel submits that as on date, there is no stay order / injunction order or any Court order restraining the registering authorities to register the subject documents and inspite of that, the respondent No.3 is refusing to register the subject documents and insisting for court order for the purpose of registration. Questioning the same, all these present writ petitions are filed.

COURT PROCEEDINGS:

6. This Court on 02.07.2024 and 05.07.2024 passed the following orders:

On 02.07.2024

“Since the issue involved in all these writ petitions is one and same they are being heard together.

Learned counsel for the petitioners submitted that in these 23 writ petitions, the petitioners are challenging the refusal orders, wherein the subject documents were refused for registration

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and was assigned Pending document Numbers, based on the reason that this Court vide order 23.12.2014 in W.P.M.P.No.49345 of 2014 in W.P.No.39329 of 2014, directed to maintain status quo in all aspects.

Learned counsel for the petitioners submitted that this Court vide common order dated 17.08.2017 has dismissed the W.P.Nos.39329 of 2014 and 24820 of 2015, and the operative portion is extracted hereunder:-

“18.It may be true that Revenue Divisional Officer has dealt with the same after perusing the available record, but as held by the Joint Collector, the same came to be passed without hearing the unofficial respondents herein, who claimed to be the descendant legal heirs of the original inamdars. Hence, I see no merits to interfere with the same and accordingly the writ petitions are dismissed. However, having regard to the facts and circumstances and in view of the interim order, status quo obtaining as on today with regard to the possession of the property shall be maintained till the matter is decided by the Revenue Divisional Officer, which shall be as early as possible, preferably, within a period of three to six months from the date of receipt of a copy of this order. There shall be no order as to costs.”

Subsequent to the order dated 17.08.2017, the Revenue Divisional Officer and Inam Tribunal, Ibrahimpatnam Division, Ranga Reddy District, vide order dated 23.05.2024 had rejected the claim of the petitioners therein for issuance of Occupancy Rights Certificate(ORC)under Section-4 of AP (TA) Abolition of Inams Act 1955.

Learned counsel for the petitioners submitted that in view of the order dated 23.05.2024, passed by the Revenue Divisional Officer, there is no embargo on the respondent No.3 i.e., the Sub-Registrar, Pedda Amberpet, Ranga Reddy, in registering and releasing the subject documents.

Learned counsel for the petitioners submitted that in similar circumstances W.P.No.22087 of 2023 was filed, challenging the refusal order dated 21.12.2021, and this Court vide order dated 16.08.2023, had disposed the W.P.No.22087 of 2023, by setting

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aside the refusal order dated 21.12.2021, and directed the respondent authority therein to register the subject document, without reference to the orders in W.P.M.P.No.49345 of 2014 in W.P.No.39329 of 2014, if the said document is in compliance of the provisions of law, more particularly, the Registration Act, 1908 and the Indian Stamp Act, 1899. The Registering Authority was also directed to verify about the applicability of order passed by the Joint Collector-I, Ranga Reddy District in case No.F1/441/2009, dated 23.08.2014.

It is further submitted that inspite of the order dated 16.08.2023 passed in W.P.No.22087 of 2023, the respondent No.3, relying on the order dated 23.12.2014 passed in W.P.M.P.No.49345 of 2014 in W.P.No.39329 of 2014 is still refusing to register the subject documents and insisting the petitioners to produce Court orders for registration of the subject documents.

The main grievance of the petitioners is that the respondent No.3 without understanding the aforesaid orders, is refusing registration on the same refusal grounds and is insisting the petitioners to approach the Court and obtain specific orders for registration of the subject documents, the said action is nothing but burdening the petitioners as well as the Hon'ble Court and pray this Court to direct the respondent No.3 to register the subject documents.

In the case on hand, it is pertinent to note that the respondent No.3 without understanding the purport of the aforesaid orders, is refusing to register the subject documents on the same grounds and insisting the petitioners to obtain Court orders. The said action is not justified hence, the respondent No.3 is directed to be present before this Court on 05.07.2024 and answer why Court orders are required for the purpose of each and every registration.

The core issue is that in many cases, the registering authorities are not implementing the Orders passed by this Court and are refusing to register the subject documents on the same grounds and

informing the citizens that unless they produce a Court order, the document cannot be registered. However, in such cases, the Sub Registrars either by way of instructions or at the time of appearance submits that the parties have not produced the document. In view of such discrepancy in statement of the parties and Sub Registrars, the Courts are misled.

In some cases it is further observed that the respondent officers who are dealing with the registrations of the documents are unable to decipher the orders of the Court and are simply relegating the parties and insisting the parties/citizens to approach the Court for repeated orders. The said action of the registering authorities is not only causing hardship to the parties/citizens but also overburdening the Court. These 23 writ petitions are one of such example.

In this entire gamut of events, the citizens are not only overburdened but also had to run pillar to post and are deprived of their rights guaranteed under Article 300-A of the Constitution of India. To put an end to such hardship to the parties/citizens, and in the larger interest, this Court deems it fit to direct the State of Telangana Rep. by its Principal Secretary, Revenue (Registration and Stamps) Department and The District Registrars, to make a note of the observations of this Court and issue instructions to the concerned Registering Authorities across the State not to reject the documents presented for registration on the same ground which has already been set aside or modified by any Court order and also when there is no appeal pending.

Needless to say that if any concerned Registering Authority continues to refuse to entertain the documents on the ground which has already been set aside, amended, covered by this Court, this Court would consider the act of Registering Authority as violation of Court orders and would take appropriate action in accordance with law henceforth.

List on 05.07.2024, under the caption 'For Appearance'.

On 05.07.2024

Respondent No.3 i.e., Sub-Registrar, Pedda Amberpet, Ranga Reddy District is present.

Learned Assistant Government Pleader for Stamps and Registration placed a copy of written instructions of respondent No.3, which reads as:

"... The Hon'ble High Court of Telangana in their common order dated 17.08.2017 in WP No.39329/2014 and WP No.24820/2015 made it clear that the status quo with regard to possession of the property shall be maintained till the matter is decided by the RDO. Since the RDO did not decide the issue, there was no option except to refuse the document presented by the petitioner. Now that the RDO Ibrahimpatnam has finalized the issue and orders were issued on 23-05-2024 received by this office on 24-06-2024 confirming the ORC in favour of 1.Galib Saheb, 2.V.Sarojini, 3.Bathini Pandu, 4.G.Trindaha Rao, 5. G.Raja Rajeshwari, 6.Vallabi Sailaja, 7.Vijay Krishna Parasi, and 8.B.Mahesh.

In the light of the above decision of the RDO Ibrahimpatnam dated 23.05.2024 if the instant schedule property in the refused Pending Doct No.P.35/2022 happens belonging to above Respondents, there may not be any objection for registering the refused pending No.35/2022 with the orders of the Hon'ble High Court if any."

However, during the course of argument, Respondent No.3 through learned Government Pleader for Stamps and Registration orally stated that he will not insist for Court order on the same ground which has already been set aside or modified by any Court order and also when there is no pending appeal.

On perusal of refusal order dated 10.06.2024, the reasons for not entertaining the subject document, reads as:

“as the subject document is in prohibitory list in view of the orders dated 23.08.2014 in Case No.F1/441/2009, passed by the joint Collector, Ranga Reddy District. Accordingly the order dated 17.08.2017 in WP No.39329 of 2014 and WP No.24820 of 2015, the status quo with regard to the question of property shall be maintained till the matter is decided by the RDO”.

This Court vide order dated 16.08.2023, had disposed the W.P.No.22087 of 2023, and directed the respondent authority therein to register the subject document, without reference to the orders in W.P.M.P.No.49345 of 2014 in W.P.No.39329 of 2014, if the said document is in compliance of the provisions of law, more particularly, the Registration Act, 1908 and the Indian Stamp Act, 1899. The Registering Authority was also directed to verify about the applicability of order passed by the Joint Collector-I, Ranga Reddy District in case No.F1/441/2009, dated 23.08.2014.

Learned counsel for the petitioners submits that he has appeared in WP No.22087 of 2023 and fairly submits that subsequent to the order passed on 16.08.2023, the Sub-Registrar has received, registered and released the subject documents.

It appears that respondent No.3 is aware of the order passed in WP No.22087 of 2023, dated 16.08.2023, however still insisting for Court orders to register the documents. This Court has clarified on the previous occasion i.e., on 02.07.2024 that the Registering Authorities across the State not to reject the documents presented for registration on the same ground which has already been set-aside or modified by any Court order and also when there is no appeal, however, today in the written instructions the Sub-Registrar still insisting for Court order to register the subject documents.

In view of the same, let the respondent No.3 shall file counter affidavit in regard to what further Court orders are

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required to register the subject document as stated in the written instructions by the next date of hearing, failing which the respondent No.3 shall continue to present in the Court.

It is also made clear that the learned Assistant Government Pleader shall also instruct the concerned authorities not to insist of Court order for registration of documents on the same ground which has already been set aside or modified by any Court order and also when there is no pending appeal

List on 09.07.2024 in motion list.

Delete from the caption 'for appearance' subject to filing of counter-affidavit."

7. Before proceeding further, it is necessary to look into the operative portion of the order passed in WP No.22087 of 2023, dated 16.08.2023 for better understanding. Hence, extracted as follows:

"6. Having regard to the provision of law enunciated above and as the ground for refusal is unsustainable, the refusal order dated 21.12.2021 is set-aside. The Registering Authority is directed to go through the contents of the sale deed presented for registration by the petitioner in respect of the subject property and if the said document is in compliance of the provisions of law, more particularly, the Registration Act, 1908 and the Indian Stamp Act, 1899, register and release the said document. However, the Registering Authority will have power to refuse registration, in case there are any other grounds for such refusal and such an order shall indicate the grounds for refusal. Also, the Registering Authority is directed to intimate the grounds of refusal to the petitioner. The Registering Authority is specifically directed to pass orders without reference to the orders in W.P.M.P.No.49345 of 2014 in W.P.No.39329 of

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2014. However, the findings given in the final order that is passed by this Court in W.P.No.39329 of 2014, dated 17.08.2017 and the orders passed by the Revenue Divisional Officer regarding subject land shall be taken care of. The Registering Authority shall also verify about the applicability of order passed by the Joint Collector-I, Ranga Reddy District in case No.F1/441/2009, dated 23.08.2014.

7. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs”.

ANALYSIS:

8. In the case on hand i.e., WP No.16836 of 2024, the respondent No.3 issued refusal order No.134/2024, dated 10.06.2024 with the following reasons:

“This is a sale deed consisting of property is Plot No.89 in Sy No.265 (Part) admeasuring 167 Sq.yard situated at Pedda-Amberpet Village, Abdullapurmet Mandal, Ranga Reddy District under Pedda Amnberpet Municipality. As seen from the prohibitory watch register of this Office the said Sy No.265 (part) is prohibited in view of the orders dated 23.08.2014 in case No.F1/441/2009 passed by the Joint Collector, Ranga Reddy District. According to the orders dated 17.08.2017 in WP No.39329 of 2014 and WP No.24820 of 2015 the status quo with regard to the question of property shall be maintained till the matter is decided by the RDO. In these circumstances the registration of pending Document No.P.84 of 2024 of SRO Padda Amberpet styled as sale deed is hereby refused.

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An appeal may be preferred against the refusal order to the District Registrar, Ranga Reddy District within 30 days from the date of receipt of order under Section 72 of Registration Act, 1908.”

9. This Court has taken note of the earlier orders passed in these Writ Petitions and subsequent proceedings issued by the RDO, however the concerned Sub-Registrar is not able to interpret or understand the orders passed by this Court in a proper way and is repeatedly passing refusal orders and thereby insisting the citizens/ parties to obtain Court order, which is nothing but burdening the citizens/parties and also the Court to adjudicate the matters which have already been decided by this Court earlier and attained finality. Looking at the way, how the Sub-Registrar deals the documents for registration, it is pertinent to note that at every instance/transaction for the very same property, the Registering Authorities would further insist for Court order and relegate the citizens/parties to the Court and if the buyer intends to subsequently sell the property, the Sub-Registrar would further insist for fresh order, as a result the Sub-Registrar would not perform his duties and simply sits awaiting for the orders of this Court for the purpose of registration, which is nothing but total abuse of law.

10. Today, when the matter has been taken up for hearing learned Assistant Government Pleader for Stamps and Registration

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on instructions would submit that since the issue involved in these batch of writ petitions have already been settled in WP Nos. 39329 of 2014 and 24820 of 2015, dated 17.08.2017 and consequently in WP No.22087 of 2023, dated 16.08.2023 and the RDO had already passed final orders on 23.05.2024, hence the counter-affidavit is not necessary. He would further submit that after appraising the legal position, respondent No.3 is now ready to register the subject document by following the order passed in WP No.22087 of 2023, dated 16.08.2023 and order passed by the RDO, dated 23.05.2024.

11. In the instructions placed before this Court by the respondent No.3 through learned Government Pleader for Stamps and Registration, it is submitted that RDO, Ibrahimpatnam has finalized the issue and orders were passed on 23.05.2024 and the same was received by the office of respondent No.3 on 24.06.2024 confirming the ORC rights and further stated that there would not be any objection for registering the subject pending documents and fairly submits that the orders of the RDO, dated 23.05.2024, would cover the entire issue and the respondent No.3 is ready to register the subject documents as and when petitioners herein present the documents in accordance with Registration Act, 1908 and the Indian Stamp Act, 1899. In the case on hand, the refusal order was passed on 10.06.2024 by the Sub-Registrar inspite of the fact that he has received the orders of the RDO, Ibrahimpatnam on

23.05.2024. In spite of the same, the Sub-Registrar, in the instructions stated that there may not be any objection for registering the refused pending Doc.No.P.35/2022 **‘with the orders of the Hon’ble High Court if any.’**

12. This Court had observed that in many writ petitions filed by the parties, the Sub-Registrars are not exercising their power in accordance with Registration Act, 1908 and the Indian Stamp Act, 1899, when documents are presented for registration and without passing any order are simply relegating the citizens to obtain orders from the High Court for the purpose of registration, such act/tendency, if further allowed would severely burden not only the parties/citizens but also the Courts. This Court has upheld the validity of Section 22-A of the act in the case of ***M/s. Invecta Technologies Private Limited v. Government of Andhra Pradesh***¹ and held that the authority has to exercise power under Section 22-A in consonance with certain guidelines issued in ***Vinjamuri Rajagopla Chary Vs. State of Andhra Pradesh***² .

13. Broadly, these cases arose on account of the action of the Registering Authorities in not receiving the documents presented for registration and kept pending for the same ground which has already been decided by the Court. During the course of argument,

¹ 2024(1) ALT 272

² (2016 (1) ALT 550 [FB])

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learned counsel for the petitioner submits that apart from these 24 writ petitions, another 100 writ petitions are in pipeline and the parties may be relegated to the Court to obtain covered order on the similar issue/reasons. Normally, these 24 writ petitions could have been disposed of in usual course of hearing, however noticing the alarming rise in filing fresh writ petitions on the settled issues which have already been attained finality and looking at the state of the litigation being continued unabated, this Court deems it appropriate to put a quietus on the unnecessary and avoidable litigation and thereby passed two interim directions on 02.07.2024 and 05.07.2024. In the light of the above issues, it is clear that the authorities who control the Registration and Stamps Department, have no control over the prevailing situation. In view of the same, this Court deem it appropriate to deal with the larger issues which are affecting the rights of the citizens especially in the matters concerning registration of documents and pass appropriate orders and this Court made the following observations:

COURT OBSERVATIONS:

i) In the backdrop of the prevalent situation, it is observed that in many of the cases for instance, if the same property is conveyed from one party to another party (i.e., repeated transaction on the same property), the Sub-Registrars instead of discharging their obligatory duties are simply relegating the parties to obtain Court

orders on every occasion, thereby burdening the Court to adjudicate the matter which has already been decided by the Court. The Sub-Registrars are sufficiently empowered to pass orders under Section 71 of the Act, in such case, there is no necessity for this Court to direct the respondents to follow the provisions of Section 71 of the Act and pass orders. At the cost of repetition, it is reiterated that the Sub-Registrars instead of passing such orders, are relegating the petitioners to the High Courts and are insisting them to get an order from the High Court for the purpose of registration. The Hon'ble Supreme Court in the case of ***Punjab Roadways v. Punja Sahib Bus and Transport***³ on the issue of scope and jurisdiction of the High Court in exercising powers under Article 226 and 227 of Constitution of India has clarified that a writ Court can interfere with the orders passed by authorities exercising quasi-judicial functions unless there is serious procedural illegality and irregularity or they have acted in excess of their jurisdiction. The relevant paragraphs are extracted hereunder:

“37. Article 226 of the Constitution of India confers extraordinary jurisdiction on the High Court to issue high prerogative writs for enforcement of fundamental rights or any other purpose, the powers are of course wide and expansive but not to be exercised as an appellate Authority re-appreciating the finding of facts recorded by a Tribunal or an authority exercising quasi judicial functions. Power is

³ (2010) 5 SCC 235

highly discretionary and supervisory in nature. Grant of stage carriage permits is primarily a statutory function to be discharged by the RTA exercising powers under Section 72 of the Act and not by the High Court exercising the Constitutional powers under Article 226 or 227 of the Constitution of India.

38. A writ Court seldom interferes with the orders passed by such authorities exercising quasi-judicial functions, unless there is serious procedural illegality or irregularity or they have acted in excess of their jurisdiction. If there is any dispute on the proper implementation of the ratio or inclusion or exclusion of any route or area in the Scheme, the RTA can always examine the same, if it is moved. The direction given by the High Court to the RTA to grant regular permits to the private operators, is therefore, patently illegal.”

ii) Instances have come to the Court stating that the parties are not approaching the Office of the Sub-Registrar for registration, but simply stating in the writ affidavit, that they have gone to Sub-Registrar Office and the Sub-Registrar is orally refusing to register the documents. Learned counsels appearing for the parties would submit that in case the challans are paid and the documents are presented and refused, it is difficult for them to seek a refund of the Stamp duty and registrations charges. In order to circumvent the same, they are stating that Sub-Registrars are refusing orally to register the document presented. To avoid this state of affairs, let the concerned Officer (Sub-Registrar) shall maintain ‘Register’ and enter the names of the parties who approaches the Sub-Registrar

Office for registration and maintain a record so that parties shall not mislead the Court by way of filing wrong affidavits. In similar circumstances erstwhile High Court of Andhra Pradesh in ***Deverneni Linga Rao v. Sub Registrar***⁴ passed a detailed order, the relevant paragraph Nos.5 to 9 are extracted hereunder:

“5. In my considered view, the aforesaid submission of the learned Assistant Government Pleader is well founded. The petitioners did not produce any documentary proof in support of their averment that they have presented the sale deeds to the respondent for registration, but he has refused to register the same. They could not even mention the date on which they had approached the respondent. Therefore, it is difficult to accept their statement, more so when that statement is specifically denied by the respondent in his counter. At this juncture it is appropriate to note that under Section 71 of the Registration Act, 1908 (for short "the Act") the Sub-Registrar is bound to record reasons for his refusal. The said section is as under: "Sec. 71, Reasons for refusal to register to be recorded:--

(1) Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No.2 and endorse the words "registration refused" on the document; and, on application made by any person executing or claiming under the document, shall, without payment and

⁴ 1999 SCC OnLine AP 435

unnecessary delay, give him a copy of the reasons so recorded.

(2) No Registering Officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered."

6. *A perusal of the above provision clearly shows that the Sub-Registrar, whenever registration is refused except on the ground that the property to which it relates is not situate within his sub-district, has to pass an order and record reasons for such order in Book No.2. If the person presenting the document applies, he should also furnish a copy of the reasons so recorded by him without payment and unnecessary delay.*

7. *Admittedly, the petitioners herein did not make any application asking for a copy of the reasons for refusal. In these circumstances, it is difficult to infer that the respondent has refused to register the sale deeds. But the learned Counsel for the petitioners-Sri I.Aga Reddy - forcefully urged, relying upon the decision of a learned single Judge of this Court in S.Nagi Reddy v. Joint Sub-Registrar, Registration and Stamps, Tirupati, 1999(4)ALD81: 1999(4)ALT556, that the fact that the petitioners had approached this Court is sufficient to infer refusal by the respondent. In his submission, the petitioners would not have approached this Court straightaway without first approaching the respondent. I am not able to accept this contention in the absence of any documentary proof that the petitioners had approached the respondent and presented the documents for registration. Mere fact that the petitioners*

have approached this Court is not sufficient to infer refusal by the respondent. Further, their conduct in not making even an application, as contemplated under Section 71 of the Act, excludes any such inference. The decision in S.Nagi Reddy's case (supra) will not lend any support to the petitioners. No principle is laid down by the learned single Judge in that decision. Considering the facts and circumstances of that case, the learned Judge inferred refusal and issued certain directions. The facts of this case are different. The petitioners herein could not even state the date on which they have approached the respondent. Further, Section 71 of the Act was not brought to the notice of the learned single Judge. The well established Rule, subject to certain exceptions, is that the applicant for mandamus must show by evidence, that he made a demand calling upon the concerned authority to perform his public duty and that was met with refusal either by words or by conduct Applying this salutary rule, the Apex Court in Saraswati Industrial Syndicate Ltd Etc., v. Union of India (1974)2 SCC 630 : AIR 1975 SC 460, held (at Para 24 of the report) thus :

"..... The powers of the High Court under Article 226 are not strictly confined to the limits to which proceedings for prerogative writs are subject in English practice. Nevertheless, the well-recognised rule that no writ or order in the nature of a mandamus would issue when there is no failure to perform a mandatory duty applies in this country as well. Even in cases of alleged breaches of mandatory duties, the salutary general rule, which is subject to certain exceptions, applied by us, as it is in England,

when a writ of mandamus is asked for, could be stated as we find it set out in Halsbury's Laws of England (3rd edition, Vol.13, P.106): 'As a general rule the order will not be granted unless the party complained of has known what it was he was required to do, so that he had the means of considering whether or not he should comply, and it must be shown by evidence that there was a distinct demand of that which the party seeking the mandamus desires to enforce, and that that demand was met by a refusal'.

8. *From the aforementioned facts and circumstances it is clear that the petitioners could not and did not show that they made a demand to the respondent and that was met with refusal. Therefore, it is not possible to issue the declaration sought for or the consequential direction commanding the respondent herein to register the sale deeds proposed to be executed by the petitioners in favour of their purchasers. This view of mine gains full support from the decision of a Division Bench of this Court in D. Ratnasundari Devi v. Commissioner of Urban Land Ceiling, 1993(2)ALT 428.*

9. *For the aforementioned reasons, the writ petitions fail and are accordingly dismissed, but without costs. However, this order will not preclude the petitioners from presenting the sale deeds for registration before the respondent. In such an event, I am sure, the respondent will immediately discharge his statutory duties mentioned in Part XI of the Act and consider registerability of the sale deeds. I am also sure that in case the registration is refused, he will certainly*

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record the reasons as enjoined by Section 71 of the Act and furnish a copy thereof, if the petitioners apply for the same.”

iii) Instances have also come to the notice of this Court that the parities/citizen are directly placing documents which are pulled out from the files of MRO office or Sub-Registrar Office and being placed before the Court. This is something alarming and against the public trust. The Government being custodian of the public document are not taking proper care in preserving the documents and communication files, and such documents being part of communication, if removed from the original records, it would be difficult to trace back for future reference. The authorities have to be conscious in securing the records and take corrective steps in not allowing any unauthorized persons to access the said documents.

iv) Instances have also come to the notice of this Court that the registration authorities concerning agricultural land, even in case of a small extent of land if restricted for registration by a Court order or by way of notification, without making a detailed enquiry are entering the entire extent of the survey numbers into prohibited list, that apart the pattadars are not notified about the same and they come to know at a belated stage. In case of urban properties concerning multiple flats/units, sometimes the entire property is placed in prohibitory properties. These actions would deprive the

rights of the parties and are in violation of Article 300-A of Constitution of India. The citizens are filing several writ petitions seeking a direction to delete the said extent from the prohibition list.

14. In view of the above observations made by this Court and the issues raised in these writ petitions referring to the common problem faced by the parties/citizens in getting their documents registered and considering the issues prevailing and in the larger interest of the parties/citizens, this Court deems it appropriate to issue certain guidelines to respondent No.1 i.e., Principal Secretary, Revenue (Registration & Stamps) Department; Respondent No.2 i.e., District Registrar, Ranga Reddy. Though the Commissioner & Inspector General of Stamps and Registration, Telangana is not a party to the writ petitions herein, however he is directed to issue circulars/Memos/orders/instructions to their Subordinate, in effectively implementing the provisions of Registration Act, 1908, Indian Stamp Act, 1899 and the directions issued in various Court orders for effectively implementing the same while discharging their duties.

GUIDELINES TO REGISTRATION AUTHORITY:

- i) Whenever a parties/citizen approaches the Registering Authority to register the documents, the concerned officer shall as expeditiously as possible preferably within one week, either register the document or pass refusal order, in terms of the Registration Act, 1908 and the Indian Stamp

Act, 1899 and communicate the same to the concerned parties and the Registering authorities shall not refuse the documents orally for registration and it must be followed by a written refusal order, if any.

- ii) In case of documents are refused for registration, the procedure for refund of stamp duty and registration charges should be simplified and the parties should clearly understand the refund policy before paying the stamp duty and registration charges.
- iii) Respondents, who have control are directed to issue fresh memo/circular or instructions to all the Sub-Registrars so as not to insist Court order for registration of documents on the same ground i.e., Government Orders/ notifications/circulars/memos/proceedings or orders passed by the authorities, which have already been set aside or modified by Court order and also when there is no pending appeal and in those matters which have attained finality.
- iv) The Registering Authorities shall not pass any refusal orders on a ground and with reference to the same notification or G.Os., which have been set aside by the Courts and issues which have already been attained finality.
- v) The authorities must ensure that a watch Register/General Diary (GD Book/Entry Book/Register) shall be maintained at every Sub-Registrar's office and to make entries of the parties approaching the office on a particular date and time for the purpose for which they

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approached the office, so as to avoid interference, tampering and misrepresentation.

- vi) The Sub-Registrar/Mandal Revenue Officer who are empowered to decide shall pass order without insisting for Court orders.
- vii) The Registering Authorities shall also follow the guidelines issued in the cases of ***Vinjamuri Rajagopla Chary Vs. State of Andhra Pradesh and M/s. Invecta Technologies Private Limited v. Government of Andhra Pradesh*** (cited supra).

INSTRUCTIONS TO CONCERNED PARTIES :

- i) The concerned parties shall make an effort to see that their presence is recorded in the watch Register/General Diary (GD Book/Entry Book/Register), if any maintained by the Sub Registrar's office to ensure that they have approached the Sub Registrar's office, so as to avoid the repeated instructions from the authorities that the parties/petitioners have not approached the Sub Registrar's office or not presented any proposed documents for registration and they have not orally refused for registration.
- ii) Before approaching the Registrar's office, parties must ensure that the proposed property is not in the prohibited list, if it is found in the prohibited list, they shall take appropriate steps to delete the subject property from the prohibited list, in accordance with law, but not to approach the Court on the ground that the Sub Registrar

is orally refusing to receive and register the subject property.

- iii) Presentation of the proposed documents should be in compliance with the provisions of the Registration Act.

15. It is needless to say that the Commissioner & Inspector General of Stamps and Registration see to it that the aforesaid guidelines shall scrupulously be followed by the Registering Authorities.

16. The Hon'ble Supreme Court in **Maninderjit Singh Bitta V. Union of India & others**⁵ held that the Court directions must be viewed very seriously and non-implementation of the said order would lead to contempt of Court, wherein relevant para Nos.15 and 16 is extracted hereunder:

*“15. The obedience of orders of this Court is necessary for preserving the integrity of this constitutional institution and to put forward this point reference can be made to the following paragraph appearing in the judgment of this Court in **Achhan Rizvi (2) v. State of U.P.:** (SCC p. 754, para 7).*

“7. It appears to us that if no assurance of an effective implementation of the Court's orders is forthcoming from the State Government, it will be our constitutional duty not merely to expect but to exact obedience in an appropriate manner. This step, we believe, would become necessary to preserve the meaning and integrity of the constitutional institutions and their interrelationships, essential to the preservation of the chosen way of life of the Indian people under the Constitution.”

⁵ (2011) 11 Supreme Court cases 315 : 2011 SCC OnLine SC 587

16. Disobedience of court orders, more so persistent disobedience, have been viewed very seriously by the courts concerned. It is not only desirable but an essential requirement of law that the authorities/executive concerned should carry out their statutory functions and comply with the orders of the court within the stipulated time. Such course attains greater significance where the statutory law is coupled with the directions issued by a court of law in relation to attainment of a public purpose and public interest. In the present days, safety of the citizens is of paramount concern for the State and all its authorities/ The directions issued by this Court for implementation of the HSRP Scheme sought to achieve such interest as well as it would be a step forward even in the field of investigation in case a vehicle is used in commitment of an offence or a crime.”

CONCLUSION:

17. Coming to the cases on hand, today the Sub-Registrar is present before this Court and submits that he has gone through all the proceedings and understood the order passed by this Court and he is ready to register the subject documents without any Court order as and when parties present the documents in accordance with Registration Act, 1908 and the Indian Stamp Act, 1899. Since the Sub-Registrar has stated before this Court that he would register and release the subject documents without insisting Court order and his submissions are recorded and has become part of this common order. Hence, the refusal orders dated 10.06.2024 in W.P.No.16836 of 2024 and the other refusal orders which are under challenge in the other writ petitions are hereby set aside in the

batch of writ petitions herein and let the pending documents in all the writ petitions be registered and released, in accordance with Registration Act, 1908 and the Indian Stamp Act, 1899. It is made clear that mere registration of the subject documents 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.

18. Accordingly, the refusal orders in all these batch of writ petitions are hereby set aside and these writ petitions are allowed.

19. In the light of the above observations and the orders passed by Hon'ble Supreme Court in ***Maninderjit Singh Bitta V. Union of India & others*** (cited supra), it is trite law that the orders passed by the Court have to be followed obediently. This Court hope and trust that the authorities would follow and comply the orders passed by the High Court scrupulously and implement corrective measures and issue necessary guidelines/circular in bringing more transparency to the public for exercising their rights especially in the matters pertaining to registration under the provisions of Registration Act, 1908 and Indian Stamp Act, 1899 and also ensure

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that the citizen/parties rights are protected under Article 300-A the Constitution of India.

20. The Registry is directed to communicate a copy of this order to all the authorities mentioned in the order, in particular, Commissioner & Inspector General of Stamps and Registration, Telangana State, the guidelines for their information and effective implementation forthwith in accordance with the procedure established by law.

Miscellaneous applications, if any pending, shall stand closed.

No order as to costs.

N.V.SHRAVAN KUMAR,J

09.07.2024

NOTE: L.R.copy to be marked

B/o.

SHA/MRM