

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY, THE TENTH DAY OF DECEMBER,
TWO THOUSAND AND TWENTY

:PRESENT:

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY**

**W.P.(PIL).NO. 254 OF 2020, W.P.NOS.17930, 18397, 18408, 18453 AND 18854 OF 2020
AND W.P.(PIL).NO.248 OF 2020**

W.P.(PIL).NO. 254 OF 2020

Between:

Saaketh Kasibhatla, S/o. Srinivas Kasibhatla, Age: 25 years, Occupation: Advocate, Telangana Bar Association, Address- 2-2-1144/15/A, House No. 180, Koundinya Apartments, New Nallakunta, Hyderabad - 500044, Telangana State, Phone No. 9701112323, E-Mail ID- saakethkasibhatla@gmail.com, Aadhar Card No: 5194 6825 5645, PAN Card No- BSZPK4094E Bank Account No- 520101080014581, IFSC Code- CORP0000743

...Petitioner

AND

1. The State of Telangana, Rep. by its Chief Secretary, Secretariat, Hyderabad
2. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
3. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad.
4. The State of Telangana, Rep. by its Principal Secretary, Panchayat Raj and Rural Development, Secretariat, Hyderabad.
5. Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Hyderabad

....Respondents

Petition under Article 226 of Constitution of India, praying that in the circumstances stated in the petition and the affidavit filed therein, the High Court may be pleased to a).declare the collection of Aadhaar Card number from all the property owners and their family members (in case of non-agricultural property owners) and caste details from the non-agricultural property owners by the Respondents as unconstitutional, manifestly arbitrary and violative of Section 7 of the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services Act, 2016 and Articles 14 and 21 of the Constitution of India;

b.) issue a writ/order or direction in the nature of Mandamus restraining the Respondents from collecting sensitive personal details including Aadhaar Card Number of the property owners and family members (in case of non-agricultural property owners) and caste details of the non-agricultural property owners, and

c.) issue a writ/order or direction in the nature of Mandamus directing the Respondents to delete the data of Aadhaar Card numbers of the property owners and their family members (in case of non-agricultural property owners) and caste details of the non-agricultural property owners.

IA NO: 1 OF 2020:

Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the collection of Aadhaar card numbers of the property owners & their family members (in case of non-agricultural property owners) and caste details of the non-agricultural property owners for updation of the land records electronically, pending disposal of WP(PIL). No.254 of 2020, on the file of the High Court.

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The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.Vivek Reddy, senior counsel for Mr. Kruthi Kalaga, Advocate for the Petitioner and Advocate General for Respondents 1 to 4 and Mr.Pasham Krishna Reddy, standing counsel for Respondent No.5.,

W.P.NO.17930 OF 2020:**Between:**

1. G.R. Karunakar, S/o. G.R. Sastri,
2. C.V. Narayana Rao, S/o C.V. Srinivas Rao,

....Petitioners**AND**

1. The State of Telangana, Represented by its Chief Secretary-Principal Secretary Chief Commissioner Land Administration (FAC), Secretariat Buildings, Hyderabad.
2. The Director Land Administration, O/o Chief Commissioner Land Administration, Nampally Road, Abids, Hyderabad.

...Respondents

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ or order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in harassing/compelling the Petitioners to upload their property details in the name of Integrated Land Management System DHARANI as being illegal, arbitrary and without any sanctity of law, Un-Constitutional and violative of Article 14, 21, 19 and 300-A of the Constitution of India and consequently set-aside the said exercise of Integrated Land Management System DHARANI in the interest of justice.

IA NO: 1 OF 2020:

Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to grant stay of all further proceedings of updating of property particulars in the name of Integrated Land Management System DHARANI in interest of justice, pending disposal of WP.No.17930 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri P.Shashi Kiran Advocate for the Petitioner and of Advocate General for Respondents,

W.P.NO.18397 OF 2020:**Between:**

Devara Karunakar, S/o Late Devara Manikyam,

...Petitioner**AND**

1. The State of Telangana, Rep., by its Principal Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad.
2. The Commissioner and Director, Municipal Administration, Telangana State, Hyderabad.
3. The Greater Hyderabad Municipal Corporation, Lower Tank Bund, Hyderabad, rep. by its Commissioner
4. The Deputy Commissioner, Circle-17, Khairthabad, Hyderabad

...Respondents

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to grant an order, direction or writ, more so in the nature of Writ of Mandamus, declaring the action of respondent No. 2 to 4 in insisting upon furnishing of information in the form of check list for the purposes of proposed enrollment in Telangana State Non-Agriculture Property Book (TSNPB) (Dharani Portal), without there being any policy or authority of law as illegal, arbitrary, highhanded, contrary to provisions of GHMC Act, apart from being violative of Article 14, 19, 21 and 300-A of

Constitution of India and being contrary to ratio laid down by Hon'ble Apex Court in K.S. Puttaswamy Vs. Union of India reported in 2017 (10) SCC /and consequently to hold the entire the process set in motion by respondent No. 2 to 4 proposed enrollment in Telangana State Non-Agriculture Property Book (TSNPB) (Dharani Portal) as illegal and without authority of law.

IA NO: 1 OF 2020:

Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to restrain respondent No. 3 and 4, their personnel from coercing/ insisting the Petitioner to divulge the information in the form of check list for the purposes of proposed enrollment in Telangana State Non-Agriculture Property Book (TSNPB) Dharani Portal), pending disposal of WP.No.18397 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri. T.Bala Mohan Reddy Advocate for the Petitioner and Advocate General on behalf of GP for Municipal Administration for Respondent Nos.1&2 and Sri.Pasham Krishna Reddy, standing counsel for Respondent Nos.3&4.

W.P.NO.18408 OF 2020:

Between:

Mettu Vaikuntam, S/o Lachaiah,

...Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Municipal Administration, Secretariat Buildings, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Rep by its Commissioner, Tank Bund Road, Hyderabad
3. The Zonal Commissioner, GHMC, Khairthabad Zone, Khairthabad, Hyderabad.
4. The Deputy Commissioner, GHMC, Circle No. 12, Medipatnam, Khairatabad, Hyderabad.
5. The Chief Secretary, State of Telangana, Secretariat Buildings, Secretariat, Hyderabad.

...Respondents

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any appropriate writ, order or direction one more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in insisting/compelling the Petitioner to fill the form styled as "CIRCLE-12, MEHDIPATNAM GHMC ENROLMENT IN TS NPB (DHARAN PORTAL)" which seeks personal information as illegal, arbitrary and violative of Article 14, 19 and 21 of the Constitution of India and consequently direct the Respondents not to insist/compel the Petitioner to fill the form styled as "CIRCLE-12, MEHDIPATNAM GHMC ENROLMENT IN TS NPB (DHARANI PORTAL)" seeking personal information in the interest of justice.

IA NO: 1 OF 2020:

Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents No, 2 to 4 and its officials to stay the exercise or insisting/ compelling the Petitioner to fill the from styled as " CIRCLE-12 MEHDIPTNAM GHMC ENROLMENT IN TS NPB (DHARANI PORTAL)" seeking personal intimation, pending disposal of WP.No.18408 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri. Gummalla Bhasker Reddy Advocate for the Petitioner and Advocate General on behalf of GP for Municipal Administration for Respondent No.1 and Sri Pasham Krishna Reddy standing counsel for Respondents 2 to 4.

W.P.NO.18453 OF 2020:**WWW.LIVELAW.IN****Between:**

T.Uma Mahendra, S/o. T.Narahari,

...Petitioner**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Department, Secretariat Buildings, Secretariat, Hyderabad.
2. The Commissioner and Director, Municipal Administration, Telangana State, Hyderabad.
3. The Greater Hyderabad Municipal Corporation, Rep by its Commissioner, Tank Bund Road, Hyderabad
4. The Assistant City Planner, Circle No. IX, South Zone GHMC, Hyderabad

...Respondents

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in harassing/compelling the petitioner to furnish the personal data and information of the Petitioner and his family members under the guise of collecting consolidation of information in the form of check list for the purpose of Enrolment/uploading data in Telangana State Non-Agriculture Property Book (TSNPB) on DHARANI Portal as being illegal, arbitrary and without any sanctity of law, Un-constitutional and violative of Article 14, 21, 19 and 300-A of the Constitution of India and consequently set aside the exercise carried out by the officials of the Greater Hyderabad Municipal authorities in the name of collecting personnel data and information of the Petitioner and his family members for the purpose of Enrolment/uploading data in Telangana State Non-Agriculture Property Book (TSNPB) on DHARANI Portal in the interest of justice.

IA NO: 1 OF 2020:

Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to issue interim directions directing the 2nd Respondent and its officials not to harass/compel the Petitioner to furnish the personal data and information of the Petitioner and his family members for the purpose of Enrolment/uploading data in Telangana State Non-Agriculture Property Book (TSNPB) on DHARANI Portal, pending disposal of WP.No.18453 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Naresh Reddy Chinnolla Advocate for the Petitioner and of Advocate General on behalf of GP for Municipal Administration for Respondent Nos.1 & 2 and Sri. Pasham Krishna Reddy standing counsel for Respondents 3&4.

W.P.NO.18854 OF 2020:**Between:**

Mr.Karre Anand Kumar, S/o.K.Sailu

....Petitioner**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad.
2. The Chief Commissioner for Land Administration (CCLA), FAC, Station Road, Nampally, Hyderabad.
3. The Director Land Administration, O/o Chief Commissioner Land Administration, Nampally Road, Abids, Hyderabad.

....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction, particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in forcing the petitioner to mention his name and Aadhar card number in Integrated Land Management System DHARANI as the same is illegal, arbitrary, unconstitutional and Contrary to the Judgment of the Hon'ble Apex Court and consequently direct the respondents herein to remove the columns in relation to the enter Aadhar Number and Community (Caste) in Intergrated Land Management System DHARANI.;

IA NO: 1 OF 2020:

Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to not to force the petitioner to mention his caste or Aadhar number in Intergrated Land Management System DHARANI, pending disposal of WP.No.18854 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Vivek Reddy, learned Senior Coiunsel representing Sri S.Suman Advocate for the Petitioner and Advocate General on behalf of GP for Revenue for the respondents.

W.P.(PIL).NO.248 OF 2020:

Between:

I.Gopal Sharma, S/o. Late I.S. Sharma, Aged about 65 years, Occ: Advocate, R/o. A-1, 5-9-12, Samrat Residential Complex, Saifabad, Hyderabad-500 004 (AADHAR No. 774424383278, PAN No. AAEP10845D Mobile No. 9849655338

...Petitioner

AND

1. The State of Telangana, Rep. by the Chief Secretary to the Government, Secretariat, BRKR Building, Tank Bund Road, Hyderabad
2. The State of Telangana, Rep. by the Special Chief Secretary to the Government, Revenue & Registration and Stamps Department, Secretariat, BRKR Building, Tank Bund Road, Hyderabad
3. The State of Telangana, Rep. by the Principal Secretary to the Government, Municipal Administration & Urban Development Dept., Secretariat, BRKR Building, Tank Bund Road, Hyderabad
4. The State of Telangana, Rep. by the Secretary to the Government, Panchayat Raj & Rural Development, Secretariat, BRKR Building, Tank Bund Road. Hyderabad
5. The Commissioner and Director of Municipal Administration, 640, AC Guards, Masab Tank Opp: PT1 Building, Hyderabad
6. The Commissioner of Panchayat Raj and Rural Development, 301, AP State Housing Board, Himayatnagar, Hyderabad
7. The Commissioner and Inspector General of Registration and Stamps, 5-3-953, Nizam Shahi Rd, Mozamjahi Market, Herza Estate, Risala Abdullah Colony, Jam Bagh, Hyderabad
8. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, CC Complex, Tank Bund Road, Lower Tank Bund, Hyderabad

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction;

Declaring the decision taken by the Respondents (i) to enter the details of each and every non-agricultural property in the State of Telangana in the computerised digital platform named "DHARANI" (ii) to issue pattadar pass books to non-agricultural property owners in the State, and (iii) to make uploading of information on non-agricultural property into the "DHARANI" platform mandatory for executing any transaction for transfer or succession to such property and all consequential steps taken to effect that decision, including but not limited to, conducting a State-wide survey to gather information of all the non-agricultural properties in the State and

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various personal details of their owners and calling upon the people of the State self-declare these details through Meeseva centres and the Mobile/Web Application called "TS NPB" as being illegal, arbitrary, unconstitutional, ultra vires the provisions of the Telangana Rights in Land and Pattadar Pass Books Act, 2020, the Telangana Municipalities Act, 2019, the Telangana Panchayat Raj Act, 2018, the Greater Hyderabad Municipal Corporation Act, 1955, in violation of Articles 14, 19, 21 and 300-A of the Constitution of India and, consequently, to set aside the same and;

Consequently, direct the respondents to refrain from taking any steps pursuant to the said decision and from seeking from any person, information regarding non-agricultural properties, their personal data and other allied information as required for implementing those decisions and expunge and permanently delete information on Non-agricultural properties and personal information of their owners that have already been collected till date from all records, databases, computers, servers, mobile applications, websites or in any other medium in any form, whether digital otherwise;

Declaring the Memo No. 016991/2020, dt. 29.09.2020 issued by the 2nd Respondent seeking to incorporate the basic value of all properties in the State, both agricultural and non-agricultural, in the computerised digital platform named "DHARANI" as being illegal, arbitrary, unconstitutional, ultra vires the provisions of the Telangana Rights in Land and Pattadar Pass Books Act, 2020, without jurisdiction, in violation of Articles 14 and 21 of the Constitution of India and consequently to set aside the same and direct the respondents to refrain from taking any further steps pursuant to the said Memo;

Declaring S. 104(2)(b), 104(2)(d) and Column (3) at Sl. No. 10 of Schedule - III of the Telangana Municipalities Act, 2019 as inserted by Telangana Municipal Laws (Amendment) Act, 2020 as being illegal, arbitrary, unconstitutional, vague, in violation of Article 14, 21 and 300-A of the Constitution of India and consequently to set aside the same;

Declaring S. 65A(1) and (4) of the Telangana Panchayat Raj Act, 2018 as inserted by Telangana Panchayat Raj (Amendment) Act, 2020 as being illegal, arbitrary, unconstitutional, vague, in violation of Article 14, 21 and 300-A of the Constitution of India and consequently to set aside the same;

Declaring S. 207(1) of the Greater Hyderabad Municipal Corporation Act, 1955 as inserted by Telangana Municipal Laws (Amendment) Act, 2020 as being illegal, arbitrary, unconstitutional, vague, in violation of Article 14, 21 and 300-A of the Constitution of India and consequently to set aside the same.;

IA NO: 1 OF 2020:

Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further steps and proceedings pursuant to the decision taken by the Respondents (i) to enter the details of each and every non-agricultural property in the State of Telangana in the computerised digital platform named DHARANI (ii) to issue pattadar pass books to non-agricultural property owners in the State, and (iii) to make uploading of information on non-agricultural property into the "DHARANI" platform mandatory for executing any transaction for transfer or succession to such property; and consequently refrain the respondents from continuing with the State-wide survey to gather information of all the non-agricultural properties in the State and various personal details of their owners and from continuing to call upon the people of the State to self-declare these details through Meeseva centres and the Mobile/Web Application called TS NPB, pending disposal of WP(PIL).No.248 of 2020, on the file of the High Court.

IA NO: 2 OF 2020:

Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to expunge and permanently delete information on Non-agricultural properties and personal information of their owners that have already been collected till date from all records, databases, computers, servers, mobile applications, websites or in any other medium in any form, whether digital or otherwise; pending disposal of WP(PIL) 248 of 2020, on the file of the High Court.

IA NO: 3 OF 2020:

Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Memo

No. 016991/2020, dt. 29.09.2020 issued by the 2nd Respondent, pending disposal of WP(PIL) 248 of 2020, on the file of the High Court.

IA NO: 4 OF 2020:

Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of S. 104(2)(b), 104(2) (d) and Column (3) at Sl. No. 10 of Schedule -III of the Telangana Municipalities Act, 2019, S. 65A(l) and (4) of the Telangana Panchayat Raj Act, 2018 and S. 207(1) of the Greater Hyderabad Municipal Corporation Act, 1955, pending disposal of WP(PIL) 248 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.D.Prakash Reddy, Senior Counsel for Sri Sriram Polali Advocate for the Petitioner and Advocate General for Respondents 1 to 7 and Mr.Pasham Krishna Reddy, standing counsel for Respondent No.8, the Court made the following.

ORDER:

“Mr. Vivek Reddy, the learned counsel, informs this Court that he has submitted I.A. No. 2 of 2020. The same shall be taken on record.

Mr. D. Prakash Reddy, the learned Senior Counsel, has filed I.A. No. 8 of 2020, I.A. No. 9 of 2020, I.A. No. 10 of 2020 and I.A. No. 11 of 2020 in W.P. (PIL) No. 248 of 2020. The same shall be taken on record.

Mr. B.S. Prasad, the learned Advocate General, seeks time to file his counter to the aforementioned I.As.

Mr. B.S. Prasad, the learned Advocate General, submits that by order dated 03.11.2020, this Court had directed that *“the State is directed not to insist that any details be filled in the Dharani Portal vis-à-vis the non-agricultural land owned by the people”*. Therefore, the State Government is under an impression that by the said order this Court has stayed the registration of Non-Agricultural property (‘NA Property’, for short) throughout the State. Therefore, he seeks a clarification from this Court on the point whether a stay has been granted by this Court or not? He further gives an undertaking before this Court that the State Government will not insist on submission of Aadhaar Card number, or the caste being declared, or on details of the family members and their respective Aadhaar Card numbers. He further prays that the State be permitted to register the NA Property under Computer-aided Administration of Registration Department (‘CARD’, for short).

According to him, Sections 70-A, 70-B and 70-C of the Registration Act, 1908 (‘the Act’, for short), as applicable in the State, permit registration of documents by means of electronic devices. Moreover, Chapter XXXII of the A.P. Rules under the Registration Act, 1908 (‘the Rules’, for short) permit the registration of documents through CARD. Therefore, he prays to this Court that the Government should be permitted to register the NA Property through CARD. Further, he requests this Court that the Government may be permitted to direct the people for booking prior online slot for the registration of NA Property. Moreover, the Property Tax Identification Number (‘PTIN’) wherever given in respect of the NA Property would be entered while registering the Property. In

case, no such PTIN is available, the Government shall assign the PTIN to the concerned person within a period of two days prior to the registration and the registration shall take place only thereafter.

On the other hand, Mr. D. Prakash Reddy, the learned Senior Counsel, submits that this Court had merely directed the State not to register NA Property on the "Dharani Porta".

Therefore, it is clarified that there was no stay granted by this Court on registration "in toto". The stay was granted to the extent that the details should not be insisted on to be filled on the "Dharani Porta".

Section 70-A, 70-B and 70-C of the Act are as under:-

70-A. Application of this Part.- This part shall apply to the areas only in respect of which a notification is issued by the Government of Andhra Pradesh under section 70-B.

70-B. Documents scanned by Electronic Devices in areas Notified by the Government.- (1) The Government of Andhra Pradesh may, by notification, in the official Gazette, direct that in any office as may be specified therein, the process of registration of any category or categories of documents may be completed and copying done with the help of the electronic devices like computers, scanners and the compact disks and copies preserved on such devices and retrieved when required. (2) Notwithstanding anything contained in this Act or any other law for the time being in force, a copy of any document registered and scanned using the electronic devices and certified or attested by the registering officer in-charge of the office shall also be received in evidence of any transaction as is described in the said document.

70-C. Saving.- Nothing in this Part shall apply :

(i) to any document which in the opinion of registering officer is not in a condition fit to be processed by means of electronic devices;

(ii) in the case of unforeseen eventuality like break down of the computerized system of registration:

Provided that the Registering Officer shall record the reasons in writing therefor;

Provided further that the registering officer shall ensure that the data and images of the documents registered during the period of non-application of this Part, due to a breakdown of the computerized system, are duly incorporated into the computer system, after the same is restored, in the manner prescribed by the Inspector General of Registration.

Chapter XXXII of the Rules deals with registration of documents through CARD. Rule 222 of the Rules imposes certain responsibilities on the Inspector General of Registrations. Rule 223 prescribes the procedure to be followed. Rule 224 deals with presentation of documents. Rule 225 deals with 'Registration Checkslip'. Rule 226 deals with issuance of receipt. Rule 227 deals with verification by the Registering Officer. Rule 228 deals with registration of the document. Rule 229 deals with the endorsements and certificates. Rule 230 deals with the scanning of the document. Rule 231 deal with the return of the documents. Rule 233 does prescribe that certain documents shall be registered only manually under following circumstances:-

233. Documents registered manually:- (1) Certain documents will have to be registered manually under the following circumstances;

(i) Categories of documents not notified by the Government under Section 70-B of the Act for Registration under the Computer Aided Administration of Registration Department System;

(ii) Documents presented for registration when the Computer aided Administration of Registration Department system is out of order;

(iii) Documents which, in the opinion of the registering officer can not be registered under the Computer Aided Administration of Registration Department system. (2) The registering officer shall register the documents described in sub-rule(1) (iii) using the manual system, duly recording the reasons for resorting to manual system in the minute book.

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(3) The details of the documents registered in Book-I manually shall be posted to the computers before the close of official business in respect of the categories (i) and (iii) mentioned in sub-rule(1) and as soon as the Computer-aided Administration of Registration Department system is restored in respect of the documents mentioned at (ii) of the sub-rule(1). This is required to ensure that the index particulars are complete in all respects irrespective of whether certain documents are registered manually.

(4) To deal with the situation arising on account of:- (a) documents missing in CDs., soft copy not found in the system i.e., hard disk;
 (b) documents scanned and archived with poor quality image;
 (c) Image of documents are missing;
 (d) documents scanned and archived in irregular order; and
 (e) documents scanned and archived with wrong documents.

Note:- A special volume shall be opened by obtaining permission of the District Registrar in writing and all such documents mentioned in sub-rule (iv) above shall be 'Rescanned' or transcribed manually from the original document (duly recording the reasons in the minute book) by making a note at foot of the entry concerned.

Thus, the Rules prescribe an elaborate procedure for registering the documents through CARD. Moreover, Section 70-C of the Act itself contains an explanation as to when registration should be done manually under certain circumstances. Rule 233 of the Rules also enumerate certain circumstances under which only manual registration is permissible. A bare perusal of Section 70-C of the Act and Rule 233 of the Rules clearly reveal that the documents need to be registered manually when the CARD system is out of order, or the document, in the opinion of the Registering Officer, cannot be registered under CARD. However, such situations would be few and far between. Therefore, this Court permits the State Government to register the documents dealing with the NA Property in compliance of Section 70-A to 70-C of the Act and in compliance of Rules 221 to 237 of the Rules.

As far as the request of the learned Advocate General regarding online slot is concerned, since obtaining of the online slot before the registration is merely a measure for the convenience of the people, the Government is permitted to direct the people to register for the slot for the registration and only thereafter to register their documents during the time provided by online slot. Moreover, in case the PTIN is not assigned to the NA Property, the Government is duty bound to assign the said number within a period of two days and to carry out the registration only thereafter.

Subject to the above clarification, the interim stay granted earlier shall continue till the next date.

List these cases on 16.12.2020 at 2:30 p.m."

SD/- T.KRISHNA KUMAR
 ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Chief Secretary, State of Telangana, Secretariat, Hyderabad
2. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
3. The Principal Secretary, Municipal Administration and Urban Development, State of Telangana, Secretariat, Hyderabad.

4. The Principal Secretary, Panchayat Raj and Rural Development, State of Telangana, Secretariat, Hyderabad.
5. The Chief Secretary-Principal Secretary Chief Commissioner Land Administration (FAC), State of Telangana, Secretariat Buildings, Hyderabad.
6. The Director Land Administration, O/o Chief Commissioner Land Administration, Nampally Road, Abids, Hyderabad.
7. The Commissioner and Inspector General of Registration and Stamps, 5-3-953, Nizam Shahi Rd, Mozamjahi Market, Herza Estate, Risala Abdullah Colony, Jam Bagh, Hyderabad
(Addressees 1 to 7 by SPL. MESSENGER)
8. One CC to Mr.Kruthi Kalaga, Advocate [OPUC]
9. One CC to Mr.S.Suman, Advocate (OPUC)
10. One CC to Mr.Sriram Polali, Advocate (OPUC)
11. One CC to M/s.P.Shashi Kiran, Advocate (OPUC)
12. One CC to Sri.T.Bala Mohan Reddy, Advocate (OPUC)
13. One CC to Sri.Naresh Reddy Chinnola, Advocate (OPUC)
14. One CC to Sri.Gummala Bhaskar Reddy, Advocate (OPUC)
15. Two CCs to the ADVOCATE GENERAL, High Court for the State of Telangana, at Hyderabad (By SPL. MESSENGER)
16. Two spare copies.

HIGH COURT

HCJ & BVR.J

DATED 10-12-2020

NOTE: LIST THESE CASES ON 16.12.2020
AT 2.30 p.m.

ORDER

W.P.(PIL).NO. 254 OF 2020, W.P.NOS. 17930, 18397, 18408, 18453
AND 18854 OF 2020 AND W.P.(PIL).NO.248 OF 2020

EXTENSION OF INTERIM ORDER

