

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

THURSDAY, THE SEVENTEENTH 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. 248, 254 and 264 OF 2020, W.P.NOS.17930, 18397, 18408, 18453 AND  
18854 OF 2020

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

**Between:**

I.Gopal Sharma, S/o. Late I.S. Sharma, Occ: Advocate, R/o. A-1, 5-9-12, Samrat Residential Complex, Saifabad, Hyderabad-500 004

...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 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;

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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 2<sup>nd</sup> 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 SI. 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 2<sup>nd</sup> 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(1) 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.

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

**Between:**

Saaketh Kasibhatla, S/o. Srinivas Kasibhatla, Occupation: Advocate, Telangana Bar Association, Address- 2-2-1144/15/A, House No. 180, Koundinya Apartments, New Nallakunta, Hyderabad - 500044, Telangana State

...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.

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.,

**WP.NO.264 OF 2020:****Between:**

1. Kalthi Veerarnallu S/o Laxmaiah
2. SoyamKanna Raju, S/o Soyam Satyam

Petitioners

**AND**

1. State of Telangana , rep by its Chief Secretary Secretariat Buildings, Hyderabad
2. State of Telangana, rep by its Secretary Department of Tribal Welfare Secretariat Buildings, Hyderabad
3. State of Telangana, rep by its Principal Secretary Department of Panchayat Raj Secretariat Buildings, Hyderabad
4. Union of India, Represented by its Secretary Ministry of Tribal Affairs Shastri Bhawan, New Delhi-110001

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 issue a Writ, Order or Direction more particularly one in the nature of a Writ of Mandamus declaring that The Telangana Rights in Land and Pattedar Passbooks Act 2020 (Act 9 of 2020) has no application to the Fifth Schedule Areas of the State of Telangana as being unconstitutional in violation of Article 244 and Para 5(2) of the Fifth Schedule of the Constitution and the provisions of the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1 of 59 amended by Regulation 1 of 70 and 78, the Andhra Pradesh Scheduled Areas Land Transfer Rules 1969 and Telangana Panchayats (Extension to Schedule Areas) Rules 2011 thereby leading to deprivation and denial of the enjoyment of special status including protections, administration and governance enjoyed by Scheduled Tribes in the Fifth Schedule Areas of the State of Telangana.

**IA NO: 1 OF 2020**

Petition under Section 151 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 operation of the Telangana Rights in Land and Pattedar Passbooks Act 2020 (Act 9 of 2020) in the Fifth Schedule Areas of the State of Telangana, pending disposal of WP(PIL) 264 of 2020, on the file of the High Court.

**IA NO: 2 OF 2020**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the Petitioners to amend the Main Petition, Affidavit and Interim Applications by replacing Andhra Pradesh Land Transfer Regulation 1 of 59 as amended by Regulation 1 of 70 with Telangana Land Transfer Regulation 1 Of 59 as amended by Regulation 1 of 70 and Andhra Pradesh Scheduled Areas Land Transfer Rules 1969 With Telangana Scheduled Areas Land Transfer Rules 1969 and consequential amendments, pending disposal of WP(PIL) 264 of 2020, on the file of the High Court.

**IA NO: 3 OF 2020**

Petition under Section 151 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 registration of properties in the Fifth Schedule Areas in the State of Telanagna through the Dharani website operationalized vide Telangana Rights in Land and Pattedar Passbooks Act 2020 (Act 9 of 2020), pending disposal of WP(PIL) 264 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 Smt Vasudha Nagaraj Advocate for the Petitioners and Advocate General for the respondents;

**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

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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 GP for Revenue 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 v. 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. ✓

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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 Sri.T.Bala Mohan Reddy Advocate for the Petitioner and Advocate General for the respondents No.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 for the respondent No.1 and Sri Pasham Krishna Reddy standing counsel for Respondents 2 to 4.

**W.P.NO.18453 OF 2020:**

**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

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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 2<sup>nd</sup> 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 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 order of the High Court dated 10.12.2020 made herein and upon hearing the arguments of Sri S. Suman Advocate for the Petitioner and Advocate General for Respondents.

**ORDER:**

“According to the Order, dated 10.12.2020, this Court had categorically recorded an undertaking given by the learned Advocate General for the State of Telangana, wherein Mr. B. S. Prasad had clearly stated that *“the State will not insist on submission of Aadhar Card Number, or the caste being declared, or the details of family members, and the respective Aadhar Card Numbers”*.

A bare perusal of the undertaking quoted above clearly reveals that the undertaking is absolute and categorical. It is certainly not a conditional undertaking, or an undertaking fudged in its terms. Thus, the undertaking is absolutely clear that the Government “will not insist on submission of Aadhar Card Numbers of either of the party, who is trying to register his property, or of his family members”.

The petitioner in W.P. (PIL) No.248 of 2020 has filed I.A.No.12 of 2020. Mr. D. Prakash Reddy, the learned Senior Counsel for the petitioner, submits that by order, dated 10.12.2020, this Court had permitted the Government to direct the people to register for the slot for the registration. Therefore, this Manual is imperative for registration of the non-agricultural property documents. For registration and for slot booking, the Government has issued a Manual called the “Pre-Registration – Non-agriculture”. The Manual clearly reveals that for seeking a slot booking, certain sensitive personal information needs to be submitted by the concerned party. Moreover, according to the learned Senior Counsel, in the garb of slot booking, the Government is insisting that the Aadhar Number of the seller, of the buyer, of the witnesses to the documents must be entered on Online booking. In order to buttress this plea, the learned Senior Counsel has brought different parts of the Manual to the notice of this Court. Even in ‘Transaction Summary’, Aadhar Number is being insisted upon. Therefore, according to the learned Senior Counsel, the Manual violates the undertaking given by the State Government to this Court.

Moreover, even in the ‘User Manual for Pre-registration – Non-agriculture apply for PTIN (Property Tax Index Number)’, while entering the details of the owner, Aadhar Number is being insisted upon. In order to buttress this plea also, the learned Senior Counsel has drawn the attention of this Court to the relevant documents. Therefore, according to the learned Senior Counsel, the undertaking given by the State is being violated by the State itself.

On the contrary, the learned Advocate General submits that an Affidavit, dated 16.12.2020, has been filed on behalf of the Chief Secretary. In the said Affidavit, the Chief Secretary has categorically denied the allegations made by the learned Senior Counsel for the petitioner. Moreover, the Chief Secretary submits that *“the allegations have been made with the sole intention of stalling the registration of non-agriculture properties”*. Secondly, Mr. B. S. Prasad submits that “an alternative work flow” has been provided for people who do not



wish to disclose the Aadhar Card Number, caste details, or details of the family members, and their respective Aadhar Card Numbers. Therefore, the learned Advocate General submits that it is upto the people to give relevant details of their Aadhar Card Numbers, or of their family members. However, according to him, the State is not insisting that such information be given by the people. Therefore, according to the learned Advocate General, the undertaking given by him on 10.12.2020 is not being violated by the State.

A bare perusal of the undertaking, as mentioned hereinabove, clearly reveals that the undertaking was an absolute and unequivocal one in its scope and ambit. The learned Advocate General never stated before this Court that the giving of the Aadhar Card Number, the giving of the caste details, the giving of the names of the family members, and the respective Aadhar Card Numbers, can be done on a voluntary basis. Therefore, the State is not justified in claiming that it is not violating its undertaking by permitting the persons to share sensitive personal data on a voluntary basis.

Moreover, once the said undertaking was given by the State, the State is required to modify the Manual for seeking the slot booking, and for seeking the PTIN. However, a bare perusal of the Manual for seeking the slot clearly reveals that the Aadhar Card Number of the buyer, of the seller, of the witnesses, is being insisted upon. Even the Aadhar Card Numbers of the family members is being insisted upon. Even in the Transaction Summary, the Aadhar Card Number is insisted upon. Furthermore, even in 'the Manual for Pre-registration - Non-agriculture apply for PTIN', the Aadhar Card Number of the owner is being insisted upon. Therefore, the State is seeking information through a clever subterfuge in the garb of slot booking, and in the garb of applying for PTIN. Such a clever ploy is clearly in violation of the undertaking given by the State before this Court.

From the very beginning, this Court is concerned with the seeking of sensitive personal data from the people, and with regard to the protection and safety of the data so collected by the State. Therefore, repeatedly this Court has been emphasizing the fact that Aadhar Card Number of the concerned person, or of his family members, or of others co-related with the transaction cannot be insisted upon by the Government. Since this Court has been insisting on the protection and safety of the massive data so collected by the State, it is the State which has given an undertaking before this Court that "it will not insist". However, as mentioned hereinabove, through clever ploys of slot booking, and for PTIN, the same information is being sought, and is being insisted upon by the State. Such subterfuge certainly cannot be permitted by this Court. For, permitting such a clever ploy is to permit the litigant to take the Court out for a ride, and to befool the Court. Therefore, such subterfuge is highly deprecated by this Court.

Therefore, this Court directs that seeking of the slot booking, and the seeking of the PTIN under the User Manual shall not be insisted upon by the Government till all references to the Aadhar Card details are deleted from the

User Manual, for slot booking, and PTIN, and from the Software. However, the Registration may continue. But, even while registering the documents, the Registering Authority shall not insist on the revealing of the Aadhar Card Number. In case, the identity of the person needs to be established for the purpose of registration, the Registration Authority may insist on any other proof of the person's identity through any official documents. But, the Registering Authority shall not insist on the Aadhar Card Number. The State is further directed to delete the columns asking for the names of the family members, and their respective Aadhar Card Numbers, and for asking for the caste/social category. Moreover, since the State Government had given an undertaking that they would neither insist on the caste, nor on the Aadhar Card Numbers of the family members, all references to caste/social category, and all references to the Aadhar Card Numbers of the family members shall equally be deleted from the User Manual, both for slot booking, and for applying PTIN.

Ms. Vasudha Nagaraj, the learned counsel for the petitioner in W.P. (PIL) No.264 of 2020, seeks a weeks time to file rejoinder to the counter filed by the respondents.

List this case on 21.12.2020.

//TRUE COPY//

**SD/- M.RAMANA KRISHNA  
ASSISTANT REGISTRAR**

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 Commissioner, Greater Hyderabad Municipal Corporation, Lower Tank Bund Road, Hyderabad
7. The Director Land Administration, O/o Chief Commissioner Land Administration, Nampally Road, Abids, Hyderabad.
8. 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 8 by SPL. MESSENGER)
9. One CC to Mr.Kruthi Kalaga, Advocate [OPUC]
10. One CC to Mr.S.Suman, Advocate (OPUC)
11. One CC to Mr.Sriram Polali, Advocate (OPUC)
12. One CC to Smt Vasudha Nagaraj, Advocate (OPUC)
13. One CC to M/s.P.Shashi Kiran, Advocate (OPUC)
14. One CC to Sri.T.Bala Mohan Reddy, Advocate (OPUC)
15. One CC to Sri.Naresh Reddy Chinnola, Advocate (OPUC)
16. One CC to Sri.Gummala Bhaskar Reddy, Advocate (OPUC)
17. Two CCs to the ADVOCATE GENERAL, High Court for the State of Telangana, at Hyderabad (By SPL. MESSENGER)
18. Two spare copies.

HIGH COURT

HCJ & BVR.J

DATED 17-12-2020



NOTE: LIST THESE CASES ON 21-12-2020

ORDER

W.P.(PIL).NO. 248, 254 and 264 OF 2020,  
W.P.NOS.17930, 18397, 18408, 18453 AND 18854 OF 2020

DIRECTION