

**OFFICE OF THE COMMISSIONER AND INSPECTOR GENERAL
OF
REGISTRATION AND STAMPS, A.P., HYDERABAD.**

Rc. No. G1/7326/2012-2

Dt. 30. 03.2012

CIRCULAR

Sub: Registration and Stamps Department - Measures to curb the menace of fraudulent registrations in GPAs Registration of GPAs in Book-1- Further instructions-Is-sued.

Many cases of fraudulent registrations of immovable property by invoking or by registering false GPA in Sub-Registrar Office have been noticed and in some cases cancellation of GPAs is not properly notified to the parties concerned which is leading at times to fraudulent registrations. This issue has been examined in detail and considering the need to safeguard the interests of genuine owners of the property and to ensure transparency and fairness in the system which will serve the public interest, the following instructions are issued :-

1. All the registering officers shall register G.P.As given for construction, development or sale or transfer (in any manner whatsoever) of, any immovable property and GPA given for consideration and authorizing the attorney to sell any immovable property in Book-1, in terms of the provisions under Subsection (1) of sec 51 “which states that non-testamentary documents relating to immovable property” are registerable in Book-1 and also Sub-section (2) of section-51 which states that all documents or memoranda registered under Sections 17,18 and 89 which relate to immovable property and are not wills shall be entered or filed” in Book-1.
2. The G.P.As given for construction on, development of or transfer (in any manner whatsoever) of any immovable property, which are the documents chargeable with stamp duty U/a 42(\g) of Schedule I-A of is Act and G.P.As given for consideration and authorizing the attorney to sell any immovable property which are the documents chargeable with stamp duty u/a 42(e) of Schedule I-A of I.S. Act and cancellation of such G.P.As shall be registered in Book-1 only and indexed in indexes I & II accordingly.
3. Every document mentioned in the above category shall be registered in the office of Sub Registrar with in whose sub district the whole or some portion of the property to which such document relates is situated.
4. Cancellation of previously registered G.P.As Mentioned above shall be registered in the office where the original document was registered and intimation shall be sent to the registering officer having jurisdiction over the schedule property.
5. The Registering Officers shall scan and preserve the special power of attorney presented before them for attestation/authentication so that the identify and genuineness of the original

principal can be verified at the time of registration of resultant documents by the Jurisdiction Registering Officer subsequently. He shall transmit a copy of the same by mail to the SRO having jurisdiction of this property, if he is not having jurisdiction over the scheduled property.

6. The Registering Officers shall ensure that the photograph of both the principal and authorized agent shall be affixed in the form prescribed u/s 32-A for GPAs and SPAs mentioned above.
7. The Registering officers also shall ensure the photographs and Thumb impressions of identifying witnesses in the form prescribed under section 32-A of Registration Act are endorsed and scanned in all cases of registration of Book-1 documents for any immovable property.

The above instructions shall be implemented scrupulously by all the Registering officers w.e.f. 15.04.2012.

The Receipt of the proceedings shall be acknowledged forthwith.

Commissioner & Inspector General of
Registration and Stamps, A.P, Hyderabad.

సెక్షన్ 22 ఎ క్రింద నమోదైన ఆస్తుల రిజిస్ట్రేషన్ వ్యవహారాలపై హైకోర్టు విధించిన నిబంధనలు

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE TWENTY THIRD DAY OF JANUARY
TWO THOUSAND AND TWELVE**

**PRESENT
THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

WRIT PETITION NO : 1249 of 2012

Between:

Shaik Magbul Saheb, S/o S. Reddy Saheb, Hindu, residing at D.No.6/41, Railway Gate Street,

Piler town, Chittoor District.

....PETITIONER

AND

1. State of Andhra Pradesh, rep. by its District Collector, Chittoor, Chittoor District.
2. The Tahsildar, Piler Mandal, Chittoor District.
3. The Sub-Registrar, Piler, Chittoor District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue, a Writ of Mandamus declaring the action of the 3rd Respondent in not registering the land to an extent of Ac.1.00 Cents in S.No.1127 of Doddipalli village, Piler Mandal, Chittoor District on the ground that the petitioner lands are included in Government lands as illegal improper, unjust and contrary to law and violative of Section 22-A (1) of the Registration Act, and direct the 3rd respondent to receive the document presented by the petitioner and register the same.

Counsel for the Petitioner: SRI. MAHADEVA KANTHRIGALA

Counsel for the Respondents 1 to 3: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY
Writ Petition No. 1249 of 2012

ORDER :

The grievance of the petitioner is that the Sub-Registrar, Piler, the 3rd respondent herein, is not furnishing the particulars as to stamp duty and registration charges in respect of land in survey No. 1127 of Doddipalli Village, Piler Mandal, Chittoor District, which he intends to sell.

In the recent past, quite large number of writ petitions have been filed in connection with the registration of documents. The complaints are mostly to the effect that the registering authorities are not furnishing the necessary information as to stamp duty and registration charges, or that they are not receiving the documents. In certain other cases, the complaint is that though the documents are received, no steps are being taken thereon. There are also instances where no objection certificates are being insisted. The reasons are mostly referable to Section 22-A of the Registration Act (for short 'the Act') as amended by A.P. Act 19 of 2007. The matter is assumed general importance.

After hearing learned counsel for the petitioner and learned Government Pleader for Revenue at length, this Court is of the view that certain general directions need to be issued to the Commissioner and Registrar of Stamps and Registration and the respective District Registrars, to be communicated to the respective Sub-Registrars or Joint Sub-Registrars, so that unnecessary litigation is reduced.

The activity of registration is intended mostly to provide authenticated proof of execution of documents. Collection of stamp duty and registration charges are incidental. Over the years, instances of the persons not holding title to the land executing documents has risen to disturbing levels. Therefore, the A.P. Legislature has stepped in and introduced Section 22-A of the Act. The said provision prohibits registration of documents pertaining to certain categories of lands mentioned in clauses (a) to (e) of sub-section (1) of Section 22-A of the Act.

In case any document purporting to transfer the title in respect of lands that fall into the categories mentioned in Section 22-A (1) (a) to (e), the registering authority can certainly inform the executant of the document that the document cannot be entertained in view of the prohibition contained in the said provision. Further, if anybody approaches such authorities with a request to furnish the details of valuation, similar information can be furnished. There does not exist any justification either to refuse particulars of valuation orally or to refuse to receive the documents.

Hence, the writ petition is disposed of, directing that,

- a) Whenever an individual approaches the Registering Authority with a request to furnish the value or other particulars of any property, he shall comply with the request in accordance with law forthwith. However, if the properties are those referred to under clauses (a) to (e) of sub-Section (1) of Section 22-A of Registration Act, the communication to that effect shall be furnished to the concerned applicants in writing within three days from the date of receiving the application;
- b) Whenever a document is presented for registration, the Registering Authority shall invariably receive it. If it emerges that the property covered by the document is the one referred to in clauses (a) to (e) of sub-section (1) of Section 22-A of Registration Act, the document shall be returned to the person, who presented it with a written communication, indicating the reasons referable to Section 22-A within three days from the date of presentation of the document; and
- c) The Registering Authority shall not insist for submission of "No Objection Certificate" from the Revenue Authorities.

Failure to take the steps indicated above, shall be treated as abdication of the functions on the part of the concerned registering authority.

SD/-G. VENKATESHWARA RAO
ASSISTANT REGISTRAR

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF APRIL

TWO THOUSAND AND TWELVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 25893 of 2011

Between :

1. Mr. Mir Khader Ali Khan S/o Late Nawab Gulam Murtuza Khan R/o H.No. 20-1-587, Shalibanda, Hyderabad presently residing at H.No. 19-3-504/1/A, Near Ali Nagar, Aliyabad, Hyderabad.

AND

1. The District Registrar, Ranga Reddy & Appellate Authority, R.R. District.
2. The Sub-Registrar, Shamshabad, R.R.District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents No. 1 and 2 to receive, admit and register the cancellation of Agreement of sale-cum G.P.A. dt. 15.7.2010 in the interest of justice.

WPMP No. 31935 of 2011 : Petition under Section 151 of CPC Praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to direct the respondents No. 1 & 2 to receive, admit and register the cancellation of Agreement of Sale-cum GPA dt. 15.07.2010 in the interest of justice

Counsel for the Petitioner: **SRI. D. MADHAVA RAO**

Counsel for Respondent: **GP FOR REVENUE**

The Court made the following : **ORDER**

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY
WRIT PETITION No. 25893 of 2011

ORDER :

The petitioners executed an agreement of sale - cum - General Power of Attorney (GPA) on 22.08.2007 in favour of Sri P. Madhusudan Reddy and three others in respect of Ac. 701-00 of land in different Survey Numbers of Bahadurguda Village, Shamshabad Mandal. The document was registered in the office of the Sub-Registrar, Shamshabad, the 2nd respondent herein. Three years thereafter, the petitioners executed a deed of cancellation of agreement of sale - cum - GPA on 15.07.2010 and have presented for registration before the 2nd respondent. Through and endorsement, dated 17.07.2010 the 2nd respondent refused to register the document on the ground that it was not signed by all the parties to GPA and in particular the persons in whose favour the GPA was executed. Reference was made to Rule 26 (i) (k) of the Andhra Pradesh Rules under the Registration Act, 1908 (for short, the Rules). Aggrieved by the said endorsement, the petitioners filed appeal, under Section 72 of the Registration Act, 1908, before the 1st respondent. The appeal was rejected through order, dated 30.07.2011. Hence, the Writ Petition.

The petitioners contend that the requirement that both the parties to the transaction must join the execution of a deed of cancellation would apply only in respect of the transaction of sale and other transfers and not in respect of GPA, even if coupled with interest. They contend that it is the prerogative of any principal to cancel the power of attorney and an agent does not derive any right or title or interest under the said document. Reliance is placed upon a judgement of this Court in **T. Vishwandaham and others V. Commissioner (Registration and Stamps), Hyderabad and others.**

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

The question as to whether a deed of cancellation can be executed unilaterally by one of the parties, fell for consideration before this Court as well as the Supreme Court. Quite a good number of instances have emerged, wherein the sale deeds executed by vendors in favour of vendees on receiving consideration, were cancelled unilaterally by the vendors without participation or notice to the purchasers. A full bench of this Court took the view that the remedy for an aggrieved party in such cases could be to file a suit and that no illegality can be said to have taken place in the matter of registration of document. That, however, was reversed by the Supreme Court in the recent past. The State has also amended the Registration Rules by incorporating Rule 26 (i) (k) to the effect that whenever any deeds of transfer are sought to be cancelled in a separate document, registration thereof cannot be made unless the document is executed by both the parties. This is the law as it applies to the transactions of transfer of title.

The execution of a Power of Attorney, would, under no circumstances, lead to a transaction of transfer of title. By its very nature, the document provides for the authorisation by the principal, enabling the Power of Attorney, to do certain acts on his behalf. It is always the prerogative of the principal to withdraw the authorisation and an agent cannot derive any independent rights under such arrangements. The right of the principal to unilaterally cancel GPA, even if coupled with interest, is recognised in law. He is not under obligation to seek the participation of the agent for cancellation of such GPA. This Court held so, in **T. Vishwanadham's** case (supra). Further, Rule 26 (i) (k) of the Rules applies only in respect of transactions of

transfer and not in respect of GPA's. Therefore, the endorsement made by the 2nd respondent on 17.07.2010 cannot be sustained in law.

Hence, the Writ Petition is allowed and the impugned order, dated 30.07.2011, passed by the 1st respondent as well as the endorsement made by the 2nd respondent on 17.07.2010, are set aside. The 2nd respondent is directed to process the document presented by the petitioners without reference to Rule 26 (i) (k) of the Rules.

The Miscellaneous Petition filed in this Writ Petition stands disposed of. There shall be no order as to costs.

That Rule Nisi has been made absolute as above witness the Hon'ble Sri Madan B. Lokur, the Chief Justice on this Friday, the Twentieth day of April. Two Thousand and Twelve.

Sd/- S. SUBBA RAO
ASSISTANT REGISTRAR
//TRUE COPY//

విచక్షణా రహితంగా యన్.ఓ.సి.లు జారీ చేయవద్దు
GOVERNMENT OF ANDHRA PRADESH
Revenue (Assn.I) Department

Memo.No.21307/Assn.I(1)/2012-2

Date : 09.05.2012

Sub : LANDS - Government / Assigned lands - Indiscriminate issue of "No Objection Certificate" to various Individuals / Freedom Fighters / Ex-Servicemen by the Tahsildars / PDOs and the District Administration contrary to instructions by misinterpreting the Rules - Not to issue 'NOC' until further Orders - Instructions issued.

All the District Collectors are informed that it has been brought to the notice of the Government that in several cases with regard to Government land. Tahsildars / RDOs and the District Administration contrary to instructions by misinterpreting the Rules and 'NOC's are being issued to facilitate illegal allottees / assignees to sell the valuable land.

In the light of the above, Government hereby direct that no 'NOC' should be issued by the Tahsildors RDOs and District Level Officer until the matter examined fully and a decision is taken in this regard. Any violation in this regard will be viewed seriously.

Anil Chandra Punetha
Principal Secretary to Government

విచక్షణా రహితంగా యన్.ఓ.సి.లు జారీ చేయవద్దు
GOVERNMENT OF ANDHRA PRADESH
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Memo.No.21307/Assn.I(1)/2012-2

Date : 09.05.2012

Sub : LANDS - Government / Assigned lands - Indiscriminate issue of "No Objection Certificate" to various Individuals / Freedom Fighters / Ex-Servicemen by the Tahsildars / PDOs and the District Administration contrary to instructions by misinterpreting the Rules - Not to issue 'NOC' until further Orders - Instructions issued.

The Special Chief Secretary and Chief Commissioner of Land Administration, AP Hyderabad is informed that that it has been brought to the notice of the Government that in several cases with regard to Government land assigned under various categories, "NOC"s and being indiscriminately issued by the Tahsildars / RDOs and the District Administration contrary to instructions by misinterpreting the Rules and 'NOC's are being issued to facilitate illegal allottees / assignees to sell the valuable land.

2. In the light of the above, Government hereby direct that no 'NOC' should be issued by the Tahsildors RDOs and District Level Officer until the matter examined fully and a decision is taken in this regard.

3. The Special CS and CCLA is therefore, requested to obtain the information as to how many cases of "NOC"s have been issued by the Tahsildars, RDOs and other District Level Officials during the last ten (10) years category-wise.

This may be treated as most immediate.

Anil Chandra Punetha
Principal Secretary to Government

నిషిద్ధ అస్తుల రిజిస్ట్రేషన్ కై ఎన్.ఓ.సి ల విషయములో పూర్వము జారీ చేయబడిన ఉత్తర్వులను రద్దుపరచుచు,
సెక్షన్ 22-ఏ ను పక్కంబీగా అమలు చేయవలెనని ఉత్తర్వులు :
**O/o the Commissioner & Inspector General of
Registration and Stamps A.P., Hyderabad.**

Memo No.G1/15370/2012

Date : 27-07-2012

- Sub : Registration of Government Lands/Assign Lands-Prohibited Properties- Certain Instructions Issued- Rescinded/ with drawn- Orders issued - Reg
- Ref : 1) U.O. Note from Vigilance section O/o. C & IG No. Vig / 15366/2012 Dated 26.07.2012.
2) C & IG Memo No. G1/38719/93, Dt13/07/95
3) C & IG Memo No. G1/15653/96, Dt13/11/07

The Personal attention of the Registering Officers in the state is invited to the subject and reference 2nd cited, where in instructions were issued to insist for NOC from the Revenue Authorities before registration of prohibited properties and to register the documents based on NOC of MRO/ based on confirmation of District Collector concerned. They are informed that the amendment to Registration Act was carried out through insertion of section 22 (A) vide Gazettee publication Dated. 08/06/07. And there by the instructions issued prior to amendment, become infructuous and no longer useful in protecting the public properties. Instructions issued in the reference 3rd cited is contrary to the section 3 of A.P. (prohibition of Transfer) of Property Act, 1977.

Accordingly, the circular instructions issued through reference 2nd 3rd cited are here by with drawn/ rescinded.

They are instructed to follow the amended Registration Act and section 22 (A), while dealing with registration of prohibited properties without any deviation.

Sd/- Dr.Vijay Kumar
Commissioner & Inspector General of
Registration & Stamps A.P., Hyderabad.

దస్తావేజు వ్రాయింది ఇచ్చిన వారి 'టైటిల్' విచారించే హక్కు సబ్ రిజిస్ట్రార్ కు లేదు - హైకోర్టు ఆదేశాలు

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

WEDNESDAY, THE TENTH DAY OF JUNE TWO THOUSAND AND NINE

PRESENT

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL NO : 715 of 2009

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/05/2009 in
WP NO : 7014 OF 2008 on the file of the High Court.)

Between:

1. Government of A.P. rep. by The Joint Sub-Registrar-I, Registrar's Office (O.B.),
Machilipatnam, Krishna District.
2. Government of A.P. rep. by The District Registrar, Krishna District at Machilipatnam.
3. Government of A.P. rep. by The Tahsildar, Machilipatnam Mandal, Machilipatnam Krishna
District. **APPELLANTS**

AND

Ravi Benarjee S/o.Krishnaiah R/o.Krishnaraopet H/o. Rudravaram, Bandaru Mandal, Krishna
District.**RESPONDENT**

Counsel for the Appellant: GP FOR REVENUE

Counsel for the Respondent: MR.G.KRISHNA MURTHY

The Division Bench of this
Court made the following

J U D G M E N T :

The writ appeal is filed against order dated 01-5-2009 passed in WPMP.No.9189 of 2008 in WP.No. 7014 of 2008 by the learned single Judge of this Court, whereby the learned single Judge set aside the impugned order passed by the appellant in C.No. 7 vide sale deed P.No.42/2007 dated 14-09-2007 and granted interim direction as prayed for.

2. The main writ petition is filed seeking mandamus to declare the Lr.No. 7 dated 13-3-2008 issued by the first respondent in refusing to register the sale deed P.No.42/2007, dated 14-09-2007 as illegal, arbitrary and without jurisdiction and consequently to direct the first respondent to release the registered sale deed P.No.42 of 2007 dated 14-09-2007 to the writ petitioner and to pass such other suitable orders.

3. The learned Government Pleader for Revenue contended that the writ petition itself is not maintainable in view of the statutory remedy of appeal under Section 72 of the Registration Act and that two separate sale deeds for registration were presented before the Registering Officer and the schedule of the two documents is one and the same but the executants and the claimants are different and therefore, the two documents were refused to register by passing speaking order on 13-3-2008. The refusal order was passed on the ground that there is prima facie dispute with regard to the ownership of the land and it is very difficult to identify the person executing the documents and since the two documents are presented on the very same day and if the documents are registered it would result in causing loss and injury to a person and therefore by taking into consideration Section 81 of the Registration Act and since there is a dispute with regard to the ownership as well as there is difficulty to identify the executant vis-à-vis his right to execute the document, a reasoned order was passed under section 71 of the Act. The learned Government Pleader further argued that in view of the Proceedings of Tahsildar, the executants have no right over the property and therefore, there is a prima facie dispute with regard to the title, whereby refusal order was passed under section 71 of the Registration Act.

4. Having heard the learned Government Pleader for Revenue as well as the learned counsel for the respondent-writ petitioner, Sri G.Krishna Murthy and as can be seen from the material on record, it appears that the Joint Sub-Registrar doubted the title of predecessor-in-interest of the writ petitioner's vendor and basing on that refusal order was passed and the document No. P42 of 2007 and P.43 of 2007 were refused for registration on 14-9-2007. If the vendee is satisfied with the title of the vendor, it is not for the Registrar to question and doubt the said title. It is for the parties to adjudicate the matter before appropriate forum and not by the Registrar or Joint Sub-Registrar or the Tahsildar to decide the title of the vendor. The learned single Judge has rightly pointed out that the enquiry into title of the vendor of the writ petitioner is beyond the jurisdiction of the Sub-Registrar. The learned single Judge has clearly observed that under the Registration Act, the Registrar has to merely ensure compliance of the Registration Act and Rules. Therefore, the first appellant is directed to release the registered sale deed P.No.42 of 2007, dated 14-09-2007 to the respondent-writ petitioner forthwith.

5. Having considered the submissions of the learned Government Pleader for Revenue and the finding of the learned Single Judge, we are of the view that the order of the learned Single Judge does not suffer from any illegality warranting interference of this Court under Clause 15 of Letters Patent.

6. Accordingly, the writ appeal is dismissed at the stage of admission. There shall be no order as to costs.

JUSTICE T.MEENA KUMARI

JUSTICE SANJAY KUMAR

10-06-2009. I s L N B :

అన్యాయకాంత నిషేధిత ఆస్తుల పట్టిక గురించి స్పష్టికరణ ఉత్తర్వులు
**OFFICE OF THE COMMISSIONER AND INSPECTOR GENERAL OF
REGISTRATION AND STAMPS, AP HYDERABAD**

Memo.No.G1/4709/2012

Dated 14.11.2012.

Sub: R&S Dept. - Request of Sri. Akbaruddin Owaisi, MLA., Chandrayanagutta, Hyderabad to withdraw ban imposed on registration of properties in Old City, Hyderabad - Prohibitory properties list - Orders -Issued - Reg.

- Ref: 1. Govt. Memo No. 7032/Regn.I/A1/2012-1, dt. 4.10.2012
2. Govt. Memo No. 36791/A1/2012-1, Dt. 28.09.2012
3. This office Lr.No. G1/4709/2012, dt. 09.11.2012
4. Govt. Memo No. 36791/A1/2012-2, Dt. 9.11.2012

The Government vide reference 1st cited communicated the minutes of the meeting held on 20.09.2012 by the Principal Secretary to Government, Revenue (Registration-I) Department, in which the operational para of the minutes is as follows (copy enclosed) .

In view of the above, it was agreed to accept the Collectors suggestion that the list be kept in abeyance till the corrections are carried-out and in the meanwhile, the Registering officers may be instructed to follow the previous list supplied by the Revenue Authorities.

The C&IG requested the Government vide reference 3rd cited on "As to who should issue instructions in the above matter " .

The Government vide reference 4th cited issued directions that C&IG is directed to issue instructions to all the Registering Officers as mentioned in references 1 & 2 cited above.

The Government instructions issued vide reference 4th cited are communicated to all the Registering Officers in Hyderabad and Ranga Reddy Revenue districts. The Registering officers are instructed to implement the above orders of the Government (Copy enclosed).

Detailed guidelines will be issued separately.

Encl: As above.

Commissioner & Inspector General of
Registration and Stamps, A.P.,
Hyderabad.

**Minutes of the meeting held on 20.09.2012 in Room No. 421, Public
Enterprises Conference Hall 'D' Block, A.P., Secretariat, Hyderabad.**

The Following officers were present:

1. Sri Vinod Kumar G.Agrawal IAS, Principal Secretary to Government, Revenue (R & S) Department.
2. Dr.Vijaya Kumar, IAS, Commissioner and Inspeccor General of Registration and Stamps.
3. Sri Syecl Ali Murtaza Rizvi, I.A.S, District Collector, Hyderabad.
4. Sri Jaqannadham, IAS, Joint Collector Ranga Reddy
5. Sri P.Venkat Reddy, Deputy Secretary to 'Government, Revenue (R&S) Department.
6. Sri.G.Subbarayudu, Joint Inspector General (R&S).
7. Sri M.Venkat Rajesh, Joint Inspector General (R&S).
8. Sri AF1.avinciranath, Deputy Inspector General (R&S), Hyderabad.
9. Smt V. Pushpalalha, Deputy inspector General (R&S), Rang Reddy.

The Principal Secretary to Government, Revenue (R&S) Department has convened the meeting

to discuss the issue relating to Prohibition of lands under Section 22-A of Registration Act, 1908.

As there is no prescribed procedure, and guidelines regarding prohibition of properties under sub section (1) (a) & (b) of Section 22-A, the C&IG, R&S has issued instructions that the District Collectors shall furnish list of prohibited properties under the Act to the Registering Officers. Accordingly, the District Collector, Hyderabad furnished prohibited properties to the Registering Officers of Hyderabad District vide letter No, C3/504 2/2007, dated: 04.07.2011 consisting large number of properties. Sri Akbar uddin Owaisi, Hon'ble MLA, Chandrayanaqutta taken up the matter with Hon'ble C.M to withdraw the prohibited properties list communicated by the District Collector, Hyderabad.

During the meeting, the District Collector, Hyderabad, informed that as per the instructions of the C&IG, R&S No. G1/19131/2007, dated: 14.9.2007 the then Collector furnished the list of prohibited properties. The lists were prepared by superimposing the T.S. number over the house number which is not correct. Hence, many private properties were inadvertently included in the list and the affected persons are approaching for deletion from the list. After scrutiny, deletion lists are being sent to Registration Department. This procedure is nothing but issue of NOCs case wise which is causing a lot of inconvenience to the public. Further it was informed that the data arrived by superimposing the TS number over the house number is not accurate and there are about 30 % errors in the list supplied to the Registration Department.

The District Collector, Hyderabad further informed that he has already addressed the CCLA in this matter and the CCLA has addressed the Government in Revenue (Assn.III) Department informing that the data arrived at by superimposing T.S. Number House Number is not accurate and that here is not accurate and that there is about 30% error. He has further informed that the inaccurate data ought not to have been sent to Registration Department for restraining the registrations. He has therefore requested the Government to review the action of the Collector, Hyderabad and to take necessary appropriate decision in the matter at an early date. The Collector furnished the copies of his letter to CCLA and CCLA's letter to the Government.

In view of the above, it was agreed to accept the Collector's suggestion that the list be kept in abeyance till the corrections are carried out and in the meanwhile, the Registering Officers may be instructed to follow the previous list supplied by the Revenue authorities.

Regarding Ranga Reddy District, the officials of Registration Department informed that the District Collector, Ranga Reddy has not supplied the List of Prohibited properties u/s 22-A. Instead, the MROs have supplied the lists. The Data supplied by them is insufficient and incomplete in shape. The Joint Collector, Ranga Reddy promised to submit a fresh updated list within two months under his or District Collector's signature as required by the instructions issued by Commissioner and Inspector General of Registration and Stamps. The Principal Secretary instructed the Commissioner and Inspector General of Registration and Stamps to reiterate the instructions issued earlier to all the District Collectors to furnish the list duly signed by them rather than lower officers and to issue instructions to the Registering officers to return the lists not in accordance with the Commissioner and Inspector General of Registration and Stamps' instructions and to make registrations in such cases as per the earlier lists till proper lists are furnished by District Collectors.

The Principal Secretary also instructed the Commissioner and Inspector General of Registration and Stamps to send draft rules to be framed for operationalization of Section 22-A as proposed by him in his letter dated: 20.9.2012.

With this, the meeting was concluded.

Principal Secretary to Government
Revenue (R & S) Department

**GOVERNMENT OF ANDRA PRADESH
REVENUE (REGISTRATION.I) DEPARTMENT.**

Memo No. 63768/Reg.1(1)/2008-1

Dated: 22.12.2008

Sub : Government of India - Ministry of Finance - Acquisition Transfer of immovable property in India by a person Resident outside India - Certain Instructions - Reg.

Ref : From Joint Secretary, Government of India, Ministry of Finance Department of Economic Affairs, New Delhi letter No. 33/29/EM/2007, dt.02:12.2008.

A copy of the reference cited together with Its enclosures is sent herewith the Commissioner and Inspector General of Registration and Stamps Department. He is requested to Issue necessary Instructions to all the action authorities to keep in view para (4) of the reference 4th cited, and the taken in the matter informed to Government immediately.

K.RATNA PAABHA
Principal Secretary to government

The commissioner and Inspector General of
Registration and Stamps Department, A.P., Hyderabad (WE).

**Government of India
Ministry of Finance
Department Economic Affairs
Capital Markets Division
(EM Section)**

PRESS RELEASE

Acquisition and Transfer of immovable Property in India by a Person resident outside India.

It has come to the notice of the Central Government that foreign nationals are buying immovable property illegally in some parts of the country particularly in Goa, which has raised concerns many organisations and social groups have also made representation to the Central Government expressing their serious concerns in this regard.

It has also been observed that foreign nationals coming to India and staying beyond 182 days or a tourist or their visa meant for a certain period are illegally acquiring immovable property in India in violation of the extant rules and regulations under FEMA.

As per the provisions in foreign exchange Management (Acquisition and transfer of immovable Property in India) Regulation 21/2000 (Notification No. 21/2000 dated 3rd May, 2000), an Indian citizen resident outside India and a person of Indian origin resident outside India may acquire immovable property in India other than agriculture Land, plantation or a farm house. A foreign company which has

established a branch office or other place of business in India under the provisions of Foreign Exchange (Establishment in India of Branch or Office or other Place of Business) regulations 2000 (FEMA 22/2000-RB dated the 3rd May, 2000) can acquire immovable property in India which is necessary for or incidental to carrying on such activity, subject to the conditions stipulated in Regulations of Foreign Exchange Management (Acquisition and transfer of immovable Property in India) Regulations, 2000 (Notification No. 21/2000-RB cited 3rd May, 2000).

Apart from above, a foreign national who is residing in India for more than 182 days during the course of the preceding financial year for taking up employment of carrying on business/vocation or for any other purpose indicating his intention to stay for an uncertain period can acquire immovable property in India as he would be a 'Person resident in India' as per section 2(v) of FEMA, 1999. To be treated as a person resident in India.

As per FEMA, a person has not only to satisfy the condition of the period of stay (being more than 182 days during the course of preceding financial year) but also his purpose of stay as indicated the type of Indian visa granted to him to clearly indicate the intention

to stay in India for an uncertain period. In this regard, to be eligible, the intention to stay has to be unambiguously established with supporting documentation including visa.

Further persons acquiring immovable property have to fulfill the requirement if prescribed by state authorities.

In view of above, all, including the authorities in the State Governments or here by advised to be extra vigilant in such matters and satisfy themselves about the eligibility under FEMA before registering a sale or purchase of immovable property in India enquiries may include both the intending buyers and sellers. The relevant travel documents and the nature of visa may also be verified before registering such sale/purchase.

Where appropriate, the authorities may consider reviewing registration of sale/purchase already made to determine their compliance with legal requirement.

In the event of any doubt, Department of Economic Affairs in Ministry of Finance may be consulted for clarification.

A.M. Bajaj
Director (EM)

**OFFICE OF THE COMMISSIONER AND INSPECTOR GENERAL OF
REGISTRATION AND STAMPS AP HYDERABAD
CIRCULAR MEMO**

Memo No. 1/Gen.1/ 2010

Dated: 10.03.2010

Sub:- Registration and Stamps Department - Registration of documents by the sub Registrars when is on injunction order issued by the Civil Court is in force - Instructions issued - Regarding.

Ref:- 1) Go.Ms.No.497 Rev (Regn.I) Dept., dt. 07.04.2003 Principal Secretary to Government, Revenue (Regn) Department AP Secretariat, Hyderabad.

2) Go.ms.No.620 Rev (Regn.1) Dept., dt. 28.09.2003, Principal, Secretary to Government, Revenue (Regn.) Department AP Secretariat, Hyderabad. (Amendment)

Instances have come to the notice of the Commissioner & Inspector General of Registration and Stamps, that in certain cases the Sub Registrars registered documents when an injunction order issued by the Civil Court is in force. The explanation given in such cases by the Sub Registrars is that the injunction is given to the other parties and not to the Sub Registrar

The contention of the Sub Registrar is not correct. The instructions issued in the reference 1st and 2nd cited are reiterated.

The Standing Order No.219(b) speaks as follows: (b) If the Andhra Pradesh High Court or any other Civil Court restrains a person from alienating a property and if such orders are brought to the notice of the Registering Officers or served on the Registering Officer. The Registering Officer is estopped from going ahead with the Registration".

Therefore, all the Registering Officers are requested to follow the instructions issued in the said standing Order scrupulously.

Commissioner & Inspector General of

Encl: Reference 1 and 2
Hyderabad.

Registration and Stamps AP

**Office of the Commissioner and Inspector General
of Registration and Stamps, A.P., Hyderabad**

Memo NO. G1/19131/2005

Dated :1-12-2012

Sub: Lands Minorities Welfare Department – Illegal sales of Christian Properties – Insisting of “No Objection

Certificate” from Collectors to protect the lands – Orders Issued dated 4-6-2012 are withdrawn – Reg.

Ref: 1) C.C.L.A.’s Ref. No. BB2/960/2012 dated 3-5-2012

2) Commissioner & Inspector General of R&S Memo NO. G1/19131/2005 dated 4-6-2012

3) CCLA's Letter No. BBB-2/960/2012 Dated 30-11-2012

The attention of the Deputy Inspectors General , District Registrars and Sub Registrars in the State is invited to the subject and references cited. Through the reference 1st cited Chief Commissioner of Land Administration requested to issue instructions to all the Registering Officers with regard to restraining the Registration of Christian Properties in favour of 3rd parties, if they do not produce any NOC by the District Collectors. Accordingly instructions were issued to obtain "No Objection Certificates" from the concerned District Collectors if documents involving Christian Properties are presented for registration, vide reference 2nd cited.

Now, through the reference 3rd cited, the Chief Commissioner of Land Administration & Special Chief Secretary to Government, A.P, Hyderabad has withdrawn the instructions issued vide reference 1st cited. Hence, instructions issued vide this office memo no. G1/19131/2005 dated 4-6-2012 are hereby withdrawn.

Sd/ Dr Vijay Kumar
Commissioner & Inspector General of
Registration and Stamps A.P. Hyderabad