

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**WEDNESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOURTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

–
WRIT PETITION No.40651 of 2014

Between:

Mulla Mahaboob Vali,
S/o. M. Mohammed Khasim,
Age 58 years,
R/o. Banaganapalle Village and Mandal,
Kurnool District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by Principal Secretary,
Revenue Department,
(Stamps & Registration),
Secretariat Buildings, Hyderabad & 4 others

..
Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

This writ petition is instituted declaring the list of immovable properties in Survey No.163/1 of Banaganapalle Village, furnished by the District Collector, Kurnool, Kurnool District (3rd respondent), to the Sub-Registrar, Banganapalle Village and Mandal, Kurnool District (5th respondent), vide Lr.R.dis.E2/2845/2010, dated 17.01.2012, and the consequential endorsement of the 5th respondent, dated 09.12.2014, whereunder prohibiting the registration of the property in Survey No.163/1 of Banaganapalle Town in Kurnool District, as arbitrary and illegal.

2. The petitioner herein intending to dispose of the said property has submitted an application to the 5th respondent on 09.12.2014 for issuing certificate of market value. The 5th respondent made the impugned endorsement stating that the property covered in Survey No.163/1 of Banaganapalle Village is prohibited property, as per the list of immovable properties furnished by the 3rd respondent to the 5th respondent, dated 17.01.2012. Aggrieved by the same,

the petitioner filed this writ petition.

3. Concerning the property in respect of the same survey number, following the order in W.P.No.28546 of 2012, dated 18.09.2012, this Court by order, dated 04.07.2013, allowed W.P.No.19070 of 2013 holding the action of the Sub-Registrar in refusing to receive and process the sale deed document as illegal. The said order reads as under :-

“For reasons alike as were mentioned in the said order, this writ petition is allowed holding that there is no basis for the inclusion of the petitioner’s land in Survey No.163/1 of Banaganapalle Village, in the list of prohibited properties communicated by the Revenue Authorities to the Registration Authorities. In the event the Government claims the subject land as its own, it is open to it to initiate appropriate proceedings before the competent forum in that regard and seek cancellation of the registered transactions thereafter. The endorsement dated 01.07.2013 of the Sub-Registrar, Banaganapalle, is accordingly set aside. The Sub-Registrar, Banaganapalle, is accordingly directed to receive and process the document presented by the petitioner in respect of the subject land without reference to the letter dated 17.01.2012, subject to the document presented for registration being in accordance with the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899.”

4. Following the above decision, this Writ Petition is disposed of directing the Sub-Registrar, Banaganapalle Village and Mandal, Kurnool District (5th respondent), to furnish market value on the property and to receive and process the document presented by the petitioner in respect of the subject land without reference to the letter, dated 17.01.2012, subject to the document presented for

registration being in accordance with the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899. There shall be no order as to costs. Miscellaneous petitions pending in this writ petition, if any, shall stand closed.

P.NAVEEN RAO,

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Date: 31st December, 2014

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.40651 of 2014

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Date: 31st December, 2014

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