

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.17183 of 2010

ORDER:

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

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the second respondent in refusing to register the document presented by the petitioner for registration basing on the proceedings issued by the first respondent dated 21.09.2005 in Procs.Rc.E2/1719/2005 as illegal and arbitrary; and consequently set-aside the same by directing the second respondent to receive, process and register the document in respect of land admeasuring Ac.0.39 cents situated in Sy.No.120/2, Kallur Village and Mandal, Kurnool District.

The averments in the affidavit filed in support of the writ petition would show that the petitioner claims herself to be the absolute owner and possessor of land admeasuring Ac.0.39 cents in Sy.No.120/2 situated at Kallur Village and Mandal, Kurnool District as she acquired the said property through a registered gift deed bearing document No.14541 of 2006 dated 07.11.2006 executed by her father. The revenue authorities also issued pattadar pass book and title deed in favour of the father of the petitioner. Ever since the same, the petitioner claims to be in possession of the property. In order to meet the family exigencies, the petitioner intends to sell the property and in that process she approached the second respondent. But the second respondent refused to register the same on the ground that the land is a government land. Thereafter, the petitioner is alleged to have approached the third respondent and made a representation explaining the circumstances under which the second respondent refused to register the document. By an order dated 30.06.2010 the third respondent directed the second respondent to register the document presented by the petitioner unless the document falls within the stipulation of Sections 19, 20, 21, 22-A, 34 and 35 of the Registration Act. In pursuance of the said order, the petitioner approached the second respondent seeking for registration, but the second respondent refused to receive the same in spite of the directions issued by the third respondent and supplied the copy of the

proceedings dated 21.09.2005 issued by the first respondent. Challenging the same the present writ petition came to be filed.

A counter came to be filed by the second respondent disputing the averments made in the affidavit. It is stated in the counter that in view of Section 22-A of the Indian Registration Act, the registering authorities are justified in refusing to entertain the registration of prohibited properties. As the land admeasuring Ac.0.39 situated in Sy.No.120 of Kallur Village is a prohibited land within the meaning of Section 22-A of the registration Act, the request of the petitioner cannot be complied with.

A perusal of the properties list which is enclosed to the order dated 21.09.2005 show that the land in Sy.No.120/2 does not find place in the list of prohibited properties and the same is not disputed by the learned Government Pleader for Revenue. Therefore, the issue would be whether it is a government land or it is a private property. Since the list refers only to Survey No.120 and not in Sy.No.120/2, the Sub-Registrar cannot refuse to receive the document. Hence, the second respondent is hereby directed to receive the document to be presented by the petitioner and proceed with the process of registration in accordance with law. It is needless to mention that the Sub-Registrar while processing the document shall also take into consideration the order passed by the third respondent, wherein the Sub-Registrar, Kallur is informed that the Registering Authority is not entitled to deny registration of documents unless such document suffers from inherent defects as detailed under the various provisions of sections 19, 20, 21, 22-A, 34, 35 of the Registration Act and Rule 58 of the Registration Rules made thereunder and also requested to process the document presented by the parties and take action according to law to register or refuse the document.

With the above direction, the writ petition is disposed of. No order as to costs. Miscellaneous Petition, if any, pending in this Civil Revision Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

29.09.2015

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