

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.25098 of 2015

BETWEEN

R. Jagadeesh and another.

... PETITIONERS

AND

The State of Andhra Pradesh, Rep. by its Secretary, Revenue (Stamps) Department, Secretariat, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 27.08.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals? | No |
| 3. | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | No |

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ORDER:

Petitioners seek to question the impugned endorsement of the Sub-Registrar being Endt.No.37/2015 dated 20.06.2015 rejecting the request of the petitioners for registration of plots 128 and 129 and 127 of the petitioners respectively in Sy.No.963/5 of Palamner revenue village on the ground that the said lands are Gazette notified under the Wakf Act, 1955. Hence, under Section 22A of the Registration Act, the registration is prohibited.

2. Petitioners question the said endorsement, *inter alia*, on the ground that the said lands are not notified in the Gazette and that similar matters relating to the very same survey number were already considered by this Court in batch of writ petitions and in support of this case, the order of this Court in WP.No.997 of 2014 dated 23.01.2014 is relied upon.

3. Learned standing counsel for the A.P. Wakf Board, who was directed to get instructions, now submits that though the aforesaid lands were shown in the survey report of the Commissioner but by oversight the numbers were not mentioned in the Gazette notifying them as wakf properties on 28.06.1962.

4. Evidently, therefore, as on today, the lands are not covered by the said Gazette. Hence, the registering authority cannot treat the said land as Gazette notified lands and therefore, has to consider and pass appropriate orders by examining the documents presented by the petitioners as to whether they are compliant of the provisions of the Indian Stamp Act and the Registration Act. The aforesaid case relied upon by the petitioners relate to insistence by registering authority on no objection certificate and in that respect, this Court had directed the registering authority not to insist upon NOC and consider the registerability of the document if found complying the

requirements of the Registration Act and the Indian Stamp Act.

5. Hence, subject to the claim of the Wakf board with respect to the said lands, if any arising in future, there is no impediment for the registering authority to entertain, process and release the documents presented by the petitioners, as directed above, in accordance with due procedure.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

August 27, 2015
DSK