

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.42100 OF 2015

AND

W.P.No.42144 OF 2015

COMMON ORDER:

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

Since the prayers in these writ petitions are similar, they are being disposed of by this common order.

The petitioners question the action of the 3rd respondent in not receiving and registering their sale deeds.

The case of the petitioners is that they approached the 3rd respondent under Right to Information Act with an intention to sell their respective lands. In response thereto, under the impugned proceedings dated 07.03.2015, the 3rd respondent informed the petitioners that in view of the instructions received from the Tahsildar, Kandukuru vide letter dated 19.09.2011, he cannot entertain any registration with respect to subject land. The letter of the Tahsildar, referred to above, also states prohibition of registration of subject land on an application made by the Prakasham District Schedule Caste Cooperative Society.

The issue involved in these writ petitions is squarely covered by the decision of a Division Bench of this Court in W.A.No.1052 of 2012 and batch, dated 09.07.2013 and the operative portion reads as follows:

“A perusal of the guidelines of the scheme, which are relied upon by the appellants’ counsel, does not contain any clause prohibiting alienation of the land provided under the scheme. It is not even the case of respondent Nos.4 and 5 that there is any prohibition imposed subsequent to the formulation of the scheme. If the object of the scheme is to provide agricultural land to the beneficiaries with an intention

to provide permanent income generating asset, the authorities ought to have taken steps at the time of formulating the scheme itself by mentioning some clauses of prohibition of alienation of the lands provided under the scheme. Admittedly, there is no such condition of prohibition imposed even by this date. In the absence of such prohibition, the beneficiaries are entitled to sell the land. Hence, we are unable to accept the said contention of the learned counsel for respondent Nos.4 and 5-appellants herein.

In the above circumstances, we are of the considered view that the learned single Judge, while following the orders of the Division Bench of this Court, has rightly directed respondent No.3-Sub-Registrar to register the documents presented by the petitioners without treating that Section 22-A of the Act applies to the said land. We see no reason to interfere with the impugned orders.

Accordingly, all the writ petitions are dismissed.”

The said Division Bench decision in turn had followed orders of another Division Bench in W.A.No.185 of 2012 and batch, dated 15.02.2012. Based on the decisions of the Division Bench, several other writ petitions with identical grievance were also disposed of vide W.P.No.21322 and 21316 of 2012, dated 13.07.2012.

In view of that merely on a letter of the Tahsildar, the registering authorities cannot stop the registrations. Therefore, there shall be similar direction in these writ petitions directing the 3rd respondent to receive and process the document in compliance with the Stamp Act and Registration Act and register and release the same in favour of the claimants, if they are found otherwise.

With the above directions, these writ petitions are allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

VILAS V.AFZULPURKAR, J

29.12.2015

kvrn

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

W.P.No.42100 OF 2015
AND
W.P.No.42144 OF 2015

DATE: 29.12.2015

kvrn