

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 23168 of 2016

DATED 8TH AUGUST, 2016

BETWEEN

G. Ramanaiah

....Petitioner

And

State of AP, rep. by its Principal Secretary,
Department of Registration and Stamps,
Govt. of AP, Secretariat, Hyderabad and ors.

..Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 23168 of 2016

ORDER:

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Challenging the action of second respondent in not entertaining the registration of Gift Deed dated 08.07.2016 in favour of the petitioner's son in respect of agricultural lands in an extent of Ac.1.93 cents out of Ac.3.93 cents in Paimashi No.72/A in new Sy.No.391/5 of Settipalli village accounts, Mangalam Group, Renigunta Revenue Mandal, Chittoor District, the present Writ Petition is filed.

At the time of hearing the Writ Petition, it is submitted by learned Counsel for the petitioner as well as learned

Government Pleader appearing for the respondents that the issue involved in the present Writ Petition is squarely and substantially covered by the judgment of the Division Bench of this Court rendered in Writ Appeal No. 343 of 2015 & Batch (Vinjamuri Rajagopala Chary & ors Vs. Principal Secretary, Revenue Department, Hyderabad), dated 23.12.2015, wherein the Division Bench of this Court made following observations.

- (i) After expiry of the period granted by the Full Bench for taking appropriate steps as directed therein, writ petitioners are given liberty to present or represent the documents before the concerned Sub-Registrar/registering authority having jurisdiction and the Sub-Registrar/registering authority shall entertain the documents for registration.
- (i i) The Sub-Registrar/registering authority upon entertaining the documents so presented for registration, process the documents in accordance with law, and bearing in mind the principles of law laid down by this Court in Full Bench judgment dated 23-12-2015 and the directions issued therein, may either admit the document for registration or, for any reason, the document cannot be registered, it shall take the decision as per the directions issued by this Court in the Full Bench judgment and communicate to parties the reasons for refusal.
- (i i i) The Revenue Department/District Collectors, Endowments and Wakf are directed to comply the formalities suggested and the directions issued by this Court in Full Bench judgment, within the stipulated time, updating the lists required to be operated by the respective registering authorities strictly in compliance thereof.
- (i v) The competent authority shall prepare the list of assigned lands with the condition of non-alienability and forward the list to Sub-

Registrar/Registering Authority under the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "Act 1977"). The petitioners who claim to have lands assigned prior to 1954 without the condition of non-alienability are given liberty to place details of assignment and decisions of this Court on the applicability of "Act 1977" to such assignment, for updating and operating the prohibitory list by these authorities under Section 22-A of the Act.

(v) The respondent/Government having regard to a particular fact situation, if is desirous of including land assigned prior to 1954 in prohibitory list and claims interest in the property, the prohibition of such registration shall be by way of a notification under Section 22-A(1)(e) of the Act. It is open to the aggrieved party to assail such notification, if any, issued by the authority competent. It is made clear that refusal of registration by S.R.O in a given case results in fresh cause of action and the party aggrieved, by such rejection, is given liberty to pursue the legal remedies available to him/her in law.

(v i) Registration of documents pursuant to interim order of this court in writ petitions/writ appeals would be subject to the decision that will be taken by the registering authority in pursuance of the directions issued by this Court in Full Bench judgment, on the principle that in a *lis*, interim order merges with the final order. In other words, it is open to the registering authority to either confirm the registration or cancel the registration and return the document, as the case may be, in the light of the decision of the Full Bench within three(3) months from the expiry of period of four(4) months mentioned in para.37 of the Full Bench judgment.

(vii) The petitioners are given liberty to produce the copy of the Full Bench Judgment along with presentation/representation of the document in pursuance of this order.

(v i i i) It is made clear that the registering authorities shall not have any adjudicatory right in

respect of the property covered by the document presented for registration except informing reasons for refusing the registration or cancelling the registration. It is further made clear that none of the observations made in this order shall dilute either the directions issued in the Full Bench Judgment or the observations made therein.

(ix) It is needless to mention that this order shall not take away the right of parties to carry the judgment of the Full Bench to Supreme Court, if they so desire and advised.”

Following the judgment of the Division Bench of this Court dated 23.12.2015 rendered in Writ Appeal No. 353 of 2015 and Batch and for the observations made therein, the present Writ Petition is disposed of in terms thereof.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 8TH AUGUST, 2016.
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