

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.24320 OF 2016

ORDER:

The case of the petitioner is that he purchased an open plot admeasuring 1258.4 sq.yards or Ac.0.26 cents in Sy.No.217/B situated at Kanithi Village, Gajuwaka Mandal, Visakhapatnam District from its original owner on 03.06.2016 through sale deed and the same is pending before the 4th respondent vide Doc.No.414/2016 who in turn has sent the same to the 3rd respondent office for registration who is having jurisdiction of the subject land registrations. After receipt of the said document, the 3rd respondent addressed a letter to the 4th respondent stating that the document of the petitioner has been rejected on the ground that the subject property is covered by Section 22-A of the Registration Act, 1908 (for short 'the Act') and the same was informed to the petitioner by the 4th respondent vide letter dated 27.06.2016. Aggrieved by the same, the present writ petition is allowed.

Heard the learned counsel for the petitioner.

Counter is filed by the respondents 3 and 4 stating that the land in Sy.No.217/2B of Kanithi Village belongs to the Visakhapatnam Steel Plant and is included in the list of properties that are prohibited for registration under Section 22-A of the Act and even as per the revised list of prohibited properties supplied by the District Collector, Visakhapatnam dated 16.06.2016, the land in Sy.No.217/2B is included in the list under Sub Section 1(b) under Section 22-A of the Act. Hence the document of the

petitioner was rejected for registration. It is stated that the petitioner can make an application before the appropriate authority constituted under G.O.Ms.No.300 Revenue (Assn.I) Department dated 05.07.2016 in compliance of the judgment passed by the Full Bench in W.A.No.232/2012, 352/2013 and 343/2015 dated 23.12.2015 for deletion of the subject land from the prohibitory list.

It is to be seen that the document filed in page 11 of the material papers, which is being relied on by the respondents is not signed and even along with the counter, no order is enclosed giving reasons for rejection of document presented by the petitioner for registration. Learned counsel for the petitioner states that earlier the subject property was registered by way of registered deed.

Since it is stated that 4th respondent has already sent the document presented by the petitioner for registration to the 3rd respondent who is having jurisdiction to entertain the said document in respect of the aforesaid subject lands, it is for the 3rd respondent to pass orders as per the provisions envisaged under Section 71 of the Act giving reasons for rejection of the document presented by the petitioner for registration and enabling him to challenge the same.

In view of the same, without going into the merits of the case, the 3rd respondent is directed to pass orders under Section 71 of the Act. However, it is open for the petitioner to challenge the same.

With the above direction, the writ petition is disposed of. No costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY,J

26-09-2016
dv



