

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.21382 and 21390 OF 2016

COMMON ORDER :

It is stated by the learned counsel for the petitioners that the *lis* in the writ petitions is squarely covered by the Judgment dated 23.12.2015 rendered by the Hon'ble Full Bench of this Court in **Vinjamuri Rajagopala Chary and others v. The State of A.P., rep. by Principal Secretary, Revenue Department, Hyderabad & Others** ^[1] in W.A.No.343 of 2015 and batch. The Hon'ble Full Bench of this Court considered the similar issue in the case referred to above elaborately and disposed of batch of writ appeals by giving certain directions which reads as follows:-

“36. We, thus, summarize our conclusions and issue directions as follows:-

- (i) The authorities mentioned in the guidelines, which are obliged to prepare lists of properties covered by clauses (a) to (d), to be sent to the registering authorities under the provisions of Registration Act, shall clearly indicate the relevant clause under which each property is classified.
- (ii) Insofar as clause (a) is concerned, the concerned District Collectors shall also indicate the statute under which a transaction and its registration is prohibited. Further in respect of the properties covered under clause (b), they shall clearly indicate which of the Governments own the property.
- (iii) Insofar as paragraphs (3) and (4) in the Guidelines, covering properties under clause (c) and (d) are concerned, the authorities contemplated therein shall also forward to the registering authorities, along with lists, the extracts of registers/gazette if the property is covered by either endowment or wakf, and declarations/orders made under the provisions of Ceiling Acts if the property is covered under clause (d).
- (iv) The authorities forwarding the lists of properties/lands to the registering authority shall also upload the same to the website of both the Governments, namely ***igrs.ap.gov.in*** of the State of Andhra Pradesh and ***registration.telangana.gov.in*** of the State of Telangana. If there is any change in the website, the State Governments

shall indicate the same to all concerned, may be by issuing a press note or an advertisement in prominent daily news papers.

- (v) No notification, contemplated by sub-section (2) of Section 22A, is necessary with respect to the properties falling under clauses (a) to (d) of sub-section (1) of Section 22-A.
- (vi) The properties covered under clause (e) of Section 22-A shall be notified in the official gazette of the State Governments and shall be forwarded, along with the list of properties, and a copy of the relevant notification/gazette, to the concerned registering authorities under the provisions of Registration Act and shall also place the said notification/gazette on the aforementioned websites of both the State Governments. The Registering authorities shall make available a copy of the Notification/Gazette on an application made by an aggrieved party.
- (vii) The registering authorities would be justified in refusing registration of documents in respect of the properties covered by clauses (a) to (d) of sub-section (1) of Section 22-A provided the authorities contemplated under the guidelines, as aforementioned, have communicated the lists of properties prohibited under these clauses.
- (viii) The concerned authorities, which are obliged to furnish the lists of properties covered by clauses (a) to (d) of sub-section (1) of Section 22-A, and the concerned Registering Officers shall follow the guidelines scrupulously.
- (ix) It is open to the parties to a document, if the relevant property/land finds place in the list of properties covered by clauses (a) to (d) of sub-section (1) of Section 22-A, to apply for its deletion from the list or modification thereof, to the concerned authorities as provided for in the guidelines. The concerned authorities are obliged to consider the request in proper perspective and pass appropriate order within six weeks from the date of receipt of the application and make its copy available to the concerned party.
- (x) The redressal mechanism under Section 22-A(4) shall be before the Committees to be constituted by respective State Governments as directed in paragraph-35.1 above. The State Governments shall constitute such committees within eight weeks from the date of pronouncement of this judgment.
- (xi) Apart from the redressal mechanism, it is also open to an aggrieved person to approach appropriate forum including Civil Court for either seeking appropriate declaration or deletion of his property/land from the list of prohibited

properties or for any other appropriate relief.

- (xii) The directions issued by learned single Judges in six judgments referred to above or any other judgments dealing with the provisions of Section 22-A, if are inconsistent with the observations made or directions issued in this judgment, it is made clear that the observations made and directions issued in this judgment shall prevail and would be binding on the parties including the registering authorities under the Registration Act or Government officials or the officials under the Endowments Act, Wakf Act and Ceiling Acts.
- (xiii) If the party concerned seeks extracts of the list/register/gazette of properties covered by clauses (a) to (e) of Section 22-A (1), received by the registering officer on the basis of which he refused registration, it shall be furnished within 10 days from the date of an application made by the aggrieved party.
- (xiv) Registering officer shall not act and refuse registration of a document in respect of any property furnished to him directly by any authority/officer other than the officers/authorities mentioned in the Guidelines.
- (xv) Mere registration of a document shall not confer title on the vendee/alienee, if the property is otherwise covered by clauses (a) to (e), but did not find place in the lists furnished by the concerned authorities to the registering officers. In such cases, the only remedy available to the authorities under clauses (a) to (e) of sub-section (1) of Section 22-A is to approach appropriate forums for appropriate relief.

Following the aforesaid Judgment of the Full Bench the Hon'ble Division Bench of this Court also disposed of WP.No.25033 of 2014 and batch on 29.01.2016 by making certain observations.

Heard learned Assistant Government Pleader for Revenue.

In view of the above, these writ petitions are disposed of in terms of the Judgment dated 23.12.2015 rendered by the Hon'ble Full Bench of this Court in W.A.No.343 of 2015 and batch, and the common order dated 29.01.2016 passed by the of the Division Bench of this Court in WP.No.25033 of 2014 and batch. No order as to costs.

Office is to append a copy of the common order dated 29.01.2016 in WP.No.25033 of 2014.

As a sequel thereto, miscellaneous petitions, if any, pending in these writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

27.07.2016
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[\[1\]](#) 2016 (1) ALT 550 (F.B.)