

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.42132 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is preferred by the petitioner seeking to declare the action of the 2nd respondent in refusing to receive and register the Sale Deed dated 24.11.2016 presented by the petitioner with respect to the land admeasuring Ac.0.30 cents situated in 40th Ward (Old Sy.No.1808/K2 Kallur Gram Panchayat) Kurnool Village, Sy.Nos.140/2A and 140/5 sub number 10 of Kurnool Village, as illegal and arbitrary.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue. With their consent, the writ petition is disposed of at the admission stage itself.

As seen from the averments made in the affidavit filed in support of the writ petition, when the petitioner presented the sale deed dated 24.11.2016 for registration, the 2nd respondent refused to receive and register the document on the premise that the property is a Christian Property. Aggrieved by the same, present writ petition is filed.

Section 22(A)(1)(c) of the Registration Act, 1908 (for short 'the Act') reads thus:

"22-A Prohibition of Registration of certain documents:

(1)

(a)

(b)

(c) Documents relating to transfer of property by way of sale, gift, exchange or lease exceeding ten years in respect of immovable property owned by Religious and Charitable Endowments falling under the purview of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 or by Wakfs falling under the Wakfs Act, 1995 executed by persons other than those statutory empowered to do so".

A reading of the above provision, indicates that the property which is the subject matter of the document presented for registration before the 2nd respondent does not fall under the category of property belonging to Religious and Charitable Endowments coming under the purview of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 or property belonging to a Wakf falling under the Wakfs Act, 1995.

Therefore, the impugned order is clearly contrary to the provisions of the Act and liable to be set aside.

Accordingly, the Writ Petition is allowed and the impugned order is set aside directing the 2nd respondent to register the document dated 24.11.2016 presented by the petitioner for the purpose of registration by collecting requisite stamp duty and registration fee.

Miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

13.12.2016
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