

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.7363 of 2016

ORDER:

Heard the learned counsel for the petitioners, learned Government Pleader for Revenue appearing for respondent Nos.1 to 4 and Sri Farhan Azam Khan, learned Standing Counsel for 5th respondent.

2. Petitioners have presented a document for registration in relation to land in Sy. No.683/Paiki/A/2 of Gajwel village and Mandal, Medak District. The 3rd respondent has refused to register the same by passing a letters dt.18-04-2015 and 20-05-2015 in Lr.No.97/1/2015 stating that Sy. No.683 is included in a prohibited property list dt.16-09-2013 supplied by the Tahsildar, Gajwel under Section 22-A of the Registration Act, 1908.

3. Learned counsel for the petitioners submits that the Tahsildar's communication, which is being relied on by the impugned order, mentions that only Ac.4.37 gts. in Sy. No.683 is wakf land; that the Tahsildar himself sent a letter addressed to Sub Registrar, Gajwel on 08-09-2011 in letter No.WB/Genl./2007 and clarified that the total extent of Sy. No.683 is 12.29 gts and only Ac.4.34 gts out of it is wakf land and the balance extent of Ac.7.24 gts is patta land.

4. The impugned order does not refer to this letter addressed by the Tahsildar, Gajwel Mandal to 3rd respondent and proceeds assumption that entire land in Sy.683 is prohibited from sale or alienation.

5. The learned Government Pleader for Revenue appearing for respondent Nos.1 to 4 as well as Sri Farhan Azam Khan, learned Standing Counsel for 5th respondent do not dispute the fact that only an extent of Ac.4.34 gts in Sy. No.683 is wakf land but however it is contended that it is possible that the land, which the petitioner is proposing to alienate, may fall in that extent.

6. In this view of the matter, the impugned letter dt.18-04-2015 issued by 3rd respondent is set aside and the matter is remitted back to him to consider the question whether the land which is proposed to be alienated by the petitioners falls within the land of Ac.4.34 gts in Sy. No.683 which is admittedly wakf property or whether it falls outside it. In deciding this issue, the 4th respondent shall consider the letter No.B/9898/2011 dt.08-09-2011 issued by him to 3rd respondent and any other material which the petitioners or the 5th respondent may place before him. The 3rd respondent shall also issue a notice to 5th respondent before deciding this issue. The entire exercise shall be completed within six weeks from the

date of receipt of a copy this order.

7. Accordingly, the Writ Petition is disposed of.

No costs.

8. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 01-04-2016

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