

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.44674 OF 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to declare the action of the 3rd respondent in refusing to receive and register the document conveying the property admeasuring 258.4 Sq. Yards in R.S.No.16/3B, Chinnakakani Village, Mangalagiri Mandal, Guntur District, in favour of the 4th respondent, as illegal and arbitrary.

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

Learned counsel for the petitioner submits that in respect of the lands situated in the very same survey number, nearly 12 transactions took place from the year 2004 to 2016. Having regard to the above, he submits that inclusion of the said property in the prohibited list, as 'government land', is illegal and improper.

Learned AGP would submit that the petitioner has neither challenged the inclusion of the property in the prohibitory list nor challenged the action of the authorities in including the same. That being so, the only option left to the petitioner is to make an application seeking deletion of property from the prohibitory list.

As seen from the record, nearly 12 transactions took place in respect of the lands situated in the very same survey number. No

objection was raised when the said properties came to be registered. It is also to be noted that no material is placed before this Court to show that the petitioner has presented the document for registration.

That being the position, the petitioner shall present the document for registration before the 3rd respondent, who shall deal with the same and pass appropriate orders in accordance with law after hearing the petitioner. If the registering authority intends not to register the document, he shall pass a detailed order giving reasons for the same and communicate a copy of the same to the petitioner forthwith.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed.

Date: 21.12.2016
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C. PRAVEEN KUMAR, J