

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.19363 OF 2016

ORDER:

The case of the petitioner is that the petitioner is the owner and possessor of the land admeasuring Ac.2-00 cents, Ac.1-00, Ac.1-00 cents in Sy.Nos.107, 100, 108 situated at Peda Kandkukur village, Ardhaveedu Mandal, Prakasam District, having acquired the by virtue of registered gift settlement deed bearing document No.2733/2009,

dated 16-09-2009 executed by his father. The petitioner is in peaceful possession and enjoyment of the said lands. It is stated that due to financial constraints, the petitioner offered to sell the subject property and approached the 2nd respondent to know the particulars as to the stamp duty and registration charges, but the 2nd respondent refused to furnish information and informed that the subject land is prohibited for registration stating that it is an assigned land.

It is stated that the petitioner filed WP No.2848 of 2016 and this Court disposed of the same by a common order dated 15-02-2016 basing on the orders passed by Full Bench of this Court in W.A.No.343 of 2015 and Batch, dated 23-12-2015. In pursuance of said orders, the petitioner made an application before the 2nd respondent by enclosing copy of orders in WP.No.2848 of 2016 and Batch and requested to receive and register the document pertaining to the subject land. The 2nd respondent vide impugned endorsement dated 02-06-2016 stated that subject land is assigned land and the same is reflecting in the list of prohibited land furnished by the 4th respondent.

Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that though the petitioner filed WP.No.2848 of 2016 before this Court and this Court disposed of the same through common order dated 15-02-2016 in WP.No.40327 of 2014 and Batch basing on the Full Bench judgment of this Court in WA.No.243 of 2015 and Batch, dated 23-12-2015 without referring to the same, the Joint Sub-Registrar passed the impugned order. Learned counsel for the petitioner also submits that Encumbrance certificate furnished by the petitioner goes to show that there are sale transactions from the year 1946 onwards.

Learned Assistant Government Pleader for Revenue submits that when the properties fall under Section 22-A (a) of the Registration Act, no notification is required.

The 2nd respondent has not even considered the case of the petitioner in terms of orders passed in the earlier W.P.No.2848 of 2016 filed by the petitioner. Learned counsel for the petitioner also brought to the notice of this Court order dated 28-04-2016 passed in WP.No.14857 of 2016, wherein this Court has set aside the impugned order.

Following the same, the impugned order is set aside and the matter is remitted back to the respondents to consider the case of petitioner in the light of the decision of this Court in WP.No.2848 of 2016 within four (04) weeks from the date of receipt a copy of this order and 2nd respondent shall communicate his decision to the petitioner within the above time.

With the above directions, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

29-06-2016
nvl

