

HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No.19353 of 2017

ORDER:

Heard counsel for petitioner and Government Pleader for assignment for respondents.

2. The Writ Petition is filed by the petitioner assailing the action of the second respondent in refusing to receive and register the document presented by him in respect of an extent of Ac. 2.81 cents in S.No. 2/7 situated at No. 4 Kothapalem Village, Renigunta Mandal, Chittoor District, without assigning any reason.

3. Petitioner contends that the said land is a private land, that he purchased the same under an unregistered sale deed dated 10.4.1978 from his vendor Sri A. Anand Raj, that Sri A. Anand Raj and his mother Smt. A. Nagaratnam purchased the same from one Sri Penchalu under registered sale deed dated 14.8.1942 and that petitioner's name was incorporated in the revenue records in the pattadar and possession columns. He contended that when he approached the second respondent in June 2016 to know the stamp duty and registration charges, the second respondent refused to receive the same and he did not also assign reasons.

4. The Writ petition was admitted on 15.6.2017 and was posted after eight weeks. After that the matter appeared on 4.12.2017 and at request of the Government Pleader for Assignment, it was posted to 6.12.2017. The matter reached today but no counter affidavit has been filed though almost six months have been elapsed since filing of the Writ Petition.

5. The Government Pleader for Assignment appearing for respondents states that the subject land has been included in the list of prohibited property by the District Collector and communicated to the second respondent under Section 22-A of the Registration Act, 1908 on the ground that it is a Government land. But no material is produced by the respondents to show how the subject land became Government land particularly when the settlement register produced by the petitioner shows that the land in S.No. 2/7 is mutated in the name of Sri A. Anand Raj, vendor of the petitioner, and the pattadar passbook and title deed have been issued in the name of the vendor of the petitioner, as long back as on 2.11.1980 recording specifically that the land is a private land.

6. It is clear that the very inclusion of the subject land in the prohibition list communicated by the District Collector, Chittoor, to the second respondent including the subject property in the list of the

prohibited properties under Section 22-A of the Registration Act, 1908 is not bonafide.

7. Therefore, the Writ Petition is allowed with costs of Rs. 3,000/- (Rupees Three Thousand Only) to be paid by the first respondent to the petitioner; if any document is presented by the petitioner before the second respondent, he shall register the same in accordance with the provisions of the Registration Act, 1908 and Stamp Act 1898 without reference to any prohibitory list communicated to the second respondent by the District Collector, Chittoor. If the State has any claim of the said property, it is open to the State to obtain declaration of its title in a proper forum and recover the possession thereof.

8. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

Date: 11.12.2017
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