

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.29662 OF 2017

Dated:04.09.2017

Between:

Marri Ramdas, S/o. M. Venkatesh,
Aged 59 years, Occ: Agriculture,
R/o.Brahmanapally Village,
Jakranpalle Mandal, Nizamabad
District and another

.. Petitioners

And

The State of Telangana, through its
Principal Secretary, Revenue
Department, Secretariat,
Hyderabad and others

.. Respondents



The Court made the following:

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ORDER:

Heard.

2. Petitioners claim that they are the owners and possessors of the land to an extent of Acs.2.00, including Ac.0.20 guntas in Survey Nos.142/5, Acs.16.75 guntas, Acs.24.75 guntas and Acs.15.25 guntas in Survey No.142/6 and Ac.1.475 guntas in Survey No.142/6 of Brahmanapally Village, Jakranpalle Mandal, Nizamabad District. Earlier, petitioners filed W.P.No.5391 of 2016 challenging the Memo dated 19.11.2015 refusing to grant No Objection Certificate in respect of lands in Survey Nos.142/5 and 142/6. The said Writ Petition was disposed of by order dated 18.02.2016 with a direction to the petitioners to await the publication of revised list of prohibited lands in pursuance of the Full Bench decision of this Court in W.A.No.343 of 2015 and batch, dated 23.12.2015. Again petitioners filed W.P.No.9922 of 2017 challenging the Memo dated 19.11.2015, whereunder they were informed of the inclusion of the list of properties under Section 22 of the Registration Act, 1908. This Court by order dated 21.03.2017 disposed of the said Writ Petition directing the respondent authorities to register the document presented by the petitioners, if the subject lands are not included in the list of prohibited properties. Petitioners thereafter approached the registering authority by presenting the sale deed dated 03.01.2017. However, by the impugned letter dated 10.08.2017, the registering

authority refused to register the document. Hence, this Writ Petition.

3. The impugned letter would disclose that the property in which deed of conveyance is presented is included in the list of prohibited properties under Section 22-A of the Registration Act.

4. Under the principle of law laid down by the Full Bench of this Court in ***Vinjamuri Rajagopala Chary v. State of Andhra Pradesh*¹**, against inclusion of the properties in the prohibited list, an aggrieved person has to submit an application before the District Collector with supporting documents showing that inclusion of the property was erroneous and request for deletion of the same and until a decision is taken by the District Collector and an intimation is given to the Registration Department, the properties cannot be taken up for registration. It appears from the impugned letter dated 10.08.2017 that as of now the properties are included in the prohibited list. Even otherwise against the decision to refuse registration, appeal lies to the District Registrar under Section 72 of the Registration Act and the petitioners have not availed the said remedy.

5. The Writ Petition is accordingly dismissed leaving it open to the petitioners to avail the remedy of appeal under Section 72 of the Registration Act or go before the District Collector for exclusion of the subject properties from the list of prohibited properties, as the case may be and as advised. There shall be no order as to costs.

¹ 2016 (2) ALD 236 FB

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:04.09.2017

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