

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10153 OF 2017

ORDER:

The case of the petitioner is that she purchased land to an extent of Ac.2.94 cents in Survey No.580-3, situated in Rayachoti Village & Mandal, YSR District for valuable consideration and since the date of purchase she is in continuous possession and enjoyment of the same and made application to the 4th respondent for mutation and issuance of pattadar pass books and title deeds in her favour. In pursuance of the same, the 4th respondent conducted detailed enquiry and mutated petitioner's name in all revenue records and issued pattadar pass books and title deeds in her favour. It is stated that initially, prior to 21.12.1951 the subject land was assigned in favour of Sri A.K.Bashamiya and he sold the said land to 1)Chilakala Bashusab and 2) Patan Khadar Khan through registered sale deed vide document No.3016/1964, dated 18.11.1964 and in turn Chilakala Bashusab and Patan Khadar Khan sold the said land through registered sale deeds to Mayan Shafiulla Khan 2) Mayan Hasmathjan and thereafter Mayan Shafiulla Khan and Mayan Hasmathjan sold the said land through a registered sale deed dated 28.06.1982 to the petitioner. While so, when the petitioner intended to sell the subject property, the 5th respondent did not entertain the documents presented by the petitioners for its registration. As such, the petitioner filed WP.No.6531/2011

and this Court disposed of the same by order dated 15.03.2011 directing the respondents to receive the documents submitted by the petitioners therein and process the same for registration in accordance with law without raising any objection that the land in question is Government/assignment land. Thereafter the petitioner sold part of the subject land to the third parties. Subsequently, when the petitioner wanted to sell the remaining part of the subject land, the petitioner approached the office of the 5th respondent to know about the stamp duty. Then, the 5th respondent informed the petitioner that the aforesaid land notified in prohibited properties list under Section 22-A(1)(a) of the Registration Act, 1908 and rejected for registration. Thereafter, when the petitioner made application under RTI act, to the 5th respondent requesting him to furnish the said list, the 5th respondent issued list of prohibited properties to the petitioner wherein at Sl.No.259, the aforesaid land in Survey No.580-3 was shown as assigned land. In pursuance of the same, the petitioner made representation 02.01.2016 to the respondents 2 to 4 duly enclosing all the aforesaid documentary evidence of registered sale deeds, 1-B Adangal and order of this Court in WP.No. 6531/2011, requesting them for deletion of the subject land from the prohibitory list. As no action is being taken on the same, till today, present writ petition is filed.

Learned counsel for the petitioner submits that there is no clause regarding non alienation in respect of the lands assigned prior to 1951. Since the subject land was assigned prior to 1951, the respondents cannot include the said land in prohibited properties list. Moreso, earlier several registered sale transactions took place in respect of the subject land.

Heard learned Assistant Government Pleader for Revenue.

As per the Full Bench Judgment of this Court in ***Vinjamuri Rajagopalachary and others v. The State of A.P., represented by Principal Secretary, Revenue Department, Hyderabad and others***¹ the District Collector is the competent authority who can include or exclude the properties from the list of prohibited properties prepared under Section 22 A (1)(a) of the Registration Act, 1908.

When the petitioner has furnished relevant information in respect of the subject land through her representation dated 02.01.2016, the 2nd respondent is obligated to consider the same in terms of the aforesaid full bench Judgment and take action for deletion of subject land from the list of prohibited properties.

In view of the same, the 2nd respondent is directed to dispose of the representation of the petitioner in terms of the

¹ 2016 (1) ALT 550 (F.B)

aforesaid Full Bench Judgment rendered by this Court and take necessary action for deletion of subject properties from the list of prohibited properties prepared under Section 22 A (1)(a) of the Registration Act, 1908, within a period of two months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

22.03.2017
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A.RAJASHEKER REDDY, J