

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.45580 OF 2016 & 4591 OF 2017

COMMON ORDER :

Since the subject matter of these writ petitions is one and the same, both are heard together and disposed of by this common order.

These writ petitions are filed challenging the notification purportedly issued by the 2nd respondent vide Rc.No.3795/2008/E1, dated 14.07.2015, in exercise of his powers under Rule 22-A (1) (c) of the Registration Act, 1908 (for short 'the Act').

Learned counsel for the petitioners submits that the 2nd respondent is not the competent authority for issuing notification in respect of the lands falling under 22-A (1) (c) as per the Full Bench judgment of this Court reported in ***Vinjamuri Rajagopala Chary and others vs. State of Andhra Pradesh rep.by Principal Secretary, Revenue Department, Hyderabad and others***¹. As such, the so called notification issued by the 2nd respondent is without authority of law.

Learned Assistant Government Pleader for Revenue submits that petitioners can challenge the said notification to the extent of the subject lands belonging to them in these writ petitions, but they cannot seek cancellation of the entire notification.

Learned Standing counsel Smt K.Lalitha. appearing for the 5th respondent submits that the Commissioner, Endowments Department already sent a fresh list of prohibited properties for registration vide letter in Rc.No.13/9570/2016, dated 03.01.2017 to the Commissioner, Stamps and Registration Department including

¹ 2016 (1) ALT 550 (F.B)

the subject lands in the said list, as envisaged under Section 22-A (1) (c) of the Act. She further submits that as per the Full Bench judgment, the Commissioner of Endowments is the competent authority to sent the list of properties prohibited from registration as per Section 22-A (1) (c) of the Act.

The submission of the learned Standing counsel for the 5th respondent is placed on record.

Since the impugned notification is issued by 2nd respondent, who is not competent to send the list of prohibited properties for registration under Section 22-A(1)(c) of the Act, the same is set aside.

Accordingly, the writ petition is allowed to the extent indicated above. However, it is open for the petitioner to assail list sent by the Commissioner of Endowments dated 03.01.2017 in accordance with law. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending, if any shall stand closed.

A.RAJASHEKER REDDY, J

10.02.2017

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