

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.1857 OF 2017

ORDER:

The case of the petitioner is that the petitioner and one Jinkala Narsimhulu jointly purchased the land admeasuring Ac.1.80 cents in Sy,No.67 of Bandameedakammapalli Village fields, Madanapalli Mandal, Chittoor District through agreement of sale dated 22.10.1998 for a valid sale consideration from one T.Yerrappa Reddy. When the vendor of the petitioner failed to execute a regular sale deed in favour of the petitioner and another, they filed a suit in O.S.No.134 of 2008 seeking specific performance of agreement of sale dated 22.10.1998 and the same was decreed in favour of petitioner vide judgment dated 15.07.2008. Thereafter, the Court of Senior Civil Judge, Madanapalle, Chittoor District in O.E.P.No.9 of 2009 in O.S.No.134 of 2008, executed a sale deed dated 22.10.2009 and handed over the possession of the subject land to the petitioner. When the sale deed dated 22.10.2009 is presented for registration before the 5th respondent, the 5th respondent refused to register the same on the ground that subject land belongs to Government and petitioner has to obtain 'No Objection Certificate' from respondents 3 and 4. Aggrieved by the same, the petitioner filed W.P.No.25622 of 2009 and in pursuant to the order passed by this Court on 18.12.2009 in the said writ petition, the sale deed dated 22.10.2009 presented by the petitioner

was registered. Thereafter, Jinka Narsimulu executed a relinquishment deed dated 22.02.2012 for his share of subject land in favour of the petitioner who inturn executed a General Power of Attorney, dated 05.11.2016 in favour of Shettipalli Shiva Kumari. Subsequently, the petitioner presented the said document before the 5th respondent for registration but the 5th respondent having assigned the document P.No.338/2016 kept the same pending relying on the communication sent by the 4th respondent stating that the subject is classified as Government land. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that 5th respondent cannot refuse to register the document presented by the petitioner basing on the communication sent by the 4th respondent. He further submits that as per the Full Bench judgment reported in ***Vinjamuri Rajagopala Chary and others vs. State of Andhra Pradesh rep.by Principal Secretary, Revenue Department, Hyderabad and others***¹ the list of prohibited properties from registration has to be sent by the competent authority.

Learned Assistant Government Pleader for Revenue submits that after passing of Full Bench judgment, the competent authority-District Collector has sent list of properties prohibited from registration.

¹ 2016 (1) ALT 550 (F.B)

In the present case, the document presented by the petitioner was not registered basing of the communication sent by the 4th respondent. But, since it is stated by the learned Assistant Government Pleader that the competent authority has also sent the list of prohibited properties as per the Full Bench judgment, it is for the 5th respondent to receive and register the document presented by the petitioner if the subject property is not included in the list is sent by the competent authority and is in order as per the Stamps and Registration Act and the Rules made thereunder.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.



A.RAJASHEKER REDDY,J

10.02.2017
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