

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.29691 of 2017

Dated:04.09.2017

Between:

U.Sreenivasulu W/o U.Pedda Narasanna,
Aged about 32 years, r/o H.No.45/112,
N.R.Nagar, Kurnool.

...Petitioner

AND

The State of Andhra Pradesh, rep.by its
Principal Secretary, Revenue (Stamps&
Registration) Department, Velagapudi,
Amaravathi, Guntur District and others.

... Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.29691 of 2017****ORDER:**

Petitioner claims to be owner and possessor of house plot bearing Plot No.13 admeasuring 266.66 square yards in survey No.66/2, situated at Mamidalapadu Village, Kurnool Mandal and District. The petitioner claims that he purchased the said property in the year 2007. With an intention to dispose of the said property, the petitioner approached the Registering Authority to furnish the market value. But, the Registering Authority informed the petitioner vide his endorsement, dated 13.02.2017, that land in survey No.66 is included in the prohibited list as per Section 22-A (1) of the Registration Act, 1908 and therefore, no market value can be furnished.

2. Learned counsel for the petitioner sought to contend that the documents relating to surrounding properties and several other properties in respect of same survey number were registered and therefore, the Registering Authority could not have included the property belonging to the petitioner in the prohibited list.

3. The issue raised in this writ petition is, whether Registering Authority committed any error in informing the petitioner that no market value is determined for the subject property as it is included in the prohibited list of properties. In accordance with the provision contained in Section 22-A (1) of the Act, whenever any property is prohibited for registration, an intimation is to be given to the Registering Authority and once such intimation is given, the Registering Authority cannot entertain any deed of conveyance.

Similarly, if the properties are included in the prohibited list, no market value will be prescribed. Thus, information given to the petitioner by the Registering Authority that the market value is shown as 'Zero' since it is included in the prohibited list cannot be faulted. The remedy of the petitioner, as held by the Full Bench of this Court in ***Vinjamuri Rajagopala Chary v. State of Andhra Pradesh***¹, is to go before the Commissioner of Endowments by submitting an application with supporting documents and satisfy the Commissioner that erroneously the property is included in the prohibited list and request him to exclude the same from the prohibited list. Only after the decision is taken by the Commissioner accepting the stand of the petitioner, under proper intimation, property can be removed from the prohibited list, proper market value can be disclosed and deed of conveyance can be accepted for registration. At this stage, the decision communicated by the Registering Authority cannot be faulted warranting interference of this Court.

4. Leaving it open to the petitioner to file an appropriate application before the Commissioner of Endowments as held by Full Bench of this Court in ***Vinjamuri Rajagopala Chary's case***, the Writ Petition is disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

SEPTEMBER 04, 2017
YVL

JUSTICE P.NAVEEN RAO

¹ 2016 (1) ALT 570 (F.B)

THE HON'BLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION No.29691 of 2017

Date:04.09.2017

YVL