

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.7020 OF 2017

O R D E R

The 4th respondent Tahsildar vide Lr.No.A/291/2012 dated 24.3.2012, furnished list of prohibited properties for registration to the 5th respondent – Sub Registrar. Based on the said letter, 5th respondent, by order dated 4.2.2017, refused to register the sale deed dated 31.1.2017 presented by the petitioner. Aggrieved by the same, the present writ petition has been filed.

The learned counsel for the petitioner submits that the 4th respondent – Tahsildar furnished the list of prohibited properties under Section 22-A of the Registration Act, 1908, to the 5th respondent. As per the judgment of the Full Bench of this court in *VINJAMURI RAJAGOPALA CHARY vs. STATE OF A.P.*¹, the Tahsildar is not the competent authority to furnish such a list. Therefore, the impugned order passed by the 5th respondent based on said list, is erroneous. He submits that the petitioner made an application under the Right to Information Act and the authorities furnished the list of prohibited properties under Section 22-A of the Act and in the said list, the subject property of the petitioner, is not included. In view of these circumstances, he sought to set aside the impugned order of rejection dated 4.2.2017, and to direct the 5th respondent to register the sale deed presented by the petitioner.

The learned Assistant Government Pleader for Revenue produced copy of written instructions dated 14.03.2017 and submits that subject property of

¹ 2016(1) ALD 550 (FB)

the petitioner, as per the list sent by the 4th respondent – Tahsildar, is Government Land and, therefore, the same cannot be registered.

From the above, it is clear that the basis for refusing to register the sale deed presented by the petitioner, is letter dated 24.3.2012, addressed by the 4th respondent – Tahsildar to the 5th respondent – Sub Registrar. As per the Full Bench judgment of this court in Vinjamuri Rajagopala Chary's case (supra), Tahsildar is not the competent authority to send the list of prohibited properties to the Sub Registrar. Therefore, the impugned rejection order dated 4.2.2017 passed by the 5th respondent, cannot be sustained and the same is accordingly set aside.

The 5th respondent – Sub Registrar, Chandragiri, Chittoor District is directed to register the document presented by the petitioner if the same is in order as per provisions of the Indian Stamp Act, 1899 and the Registration Act, 1908 and the Rules made there under and; also the same is not included in the list of prohibited properties for registration under Section 22-A of the Registration Act, made by competent authority as per the Full Bench judgment of this court (supra). If he wants to refuse the registration, he shall record reasons as envisaged under Section 71 of the Registration Act and communicate the same to the petitioner. This exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs. Miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

DATE: 15—03—2017

AVS

