

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5849 OF 2017

ORDER

The case of the petitioners is that originally the land admeasuring Ac.1.28 cents in Sy.No.552/3 and Ac.2.07 in Sy.No.552/10 of Bandameedakamma Palli Village, Madanapalli Mandal, Chittoor District was assigned in favour of one Yerramreddygari Devendra Reddy under Ex-Servicemen quota through assignment in D-Form patta, dated 14.08.2003 and his name was mutated in the revenue records and pattadar passbooks and title deeds were also granted. As per G.O.Ms.No.1117, Revenue (ASSGN-I) Department, dated 11.11.1993, G.O.Ms.No.279 dated 04.07.2016, the Ex-servicemen are entitled to alienate the land assigned to them, after the lapse of 10 years from the date of assignment and the said land should be deleted from the list of prohibited properties under Section 22-A of the Registration Act, 1908 (for short 'the Act'). Petitioners have purchased the subject land from Yerramreddygari Devendra Reddy through sale deed dated 31.05.2016, 08.06.2016 and 24.09.2016. Thereafter, with an intention to sell the subject land to the 3rd parties, the petitioners approached the 5th respondent for submission of documents for registration, but the 5th respondent refused to entertain the same on the ground that the subject land is an assigned land and is included in the list of prohibited properties sent by the 4th respondent. Aggrieved by the same, the present writ petition is filed.

Counter affidavit is filed by the 5th respondent stating that the subject land is an assigned land and basing on the entries in the revenue records, a list of Government lands has been communicated to the Registration Department vide proceedings dated 18.07.2016. It is further stated that as per the Full Bench Judgment in W.A.No.343/2015, dated 23.12.2015, once the notification is issued by the authority, the aggrieved party may approach the concerned authority for deletion of the lands included in the list of prohibited properties, as such the petitioners have to approach the concerned authority.

Learned counsel for the petitioners submits that the list of prohibited properties is sent by the 4th respondent, who is not competent authority to do so. He also submits that when petitioners applied for copy of the list issued under Section 22-A of the Act, the same was issued by the Joint Sub-Registrar-Madanapalle, which is signed by the Tahsildar, Mandal Revenue Inspector and Village Revenue Officer. He further submits that the even the list enclosed along with the counter affidavit is signed by VRO and MRO but not by the District Collector, who is competent authority for inclusion and deletion of the lands from the list of prohibited properties for registration as envisaged under Section 22-A (1)(b).

Learned Assistant Government Pleader for Revenue submits that petitioners have to approach the concerned authority for deletion of the subject land from the list of prohibited properties. He also refers to the proceedings dated 18.0.2016 filed along with

counter affidavit and states that the list is sent by the District Collector.

The matter was adjourned on 20.02.2017 and 06.03.2017. Again the matter was listed on 13.03.2017 for production of list sent by the District Collector in pursuant to the Full Bench judgment of this Court reported in ***Vinjamuri Rajagopala Chary Vs. State of A.P., represented by its Principal Secretary, Revenue Department, Hyderabad and others***¹ but no such list is produced as on today. On the other hand, list obtained by the petitioner through RTI does not show that it is signed by the District Collector. Though sufficient opportunity was given for producing the list sent by the District Collector, the same is not produced. Even otherwise, the counter filed by the 5th respondent is also silent regarding assertion made by the learned counsel for the petitioners that the subject lands are assigned to the Ex-service men and the same cannot be included in the prohibited list.

In view of the above facts and circumstances and in view of the Full Bench judgment reported in ***Vinjamuri Rajagopala Chary Vs. State of A.P., represented by its Principal Secretary, Revenue Department, Hyderabad and others***², the 4th respondent is not the competent authority to sent the list of prohibited properties under Section 22-A of the Act, as such the same can be ignored. Therefore, the 5th respondent is directed to receive the documents presented by the petitioners and register

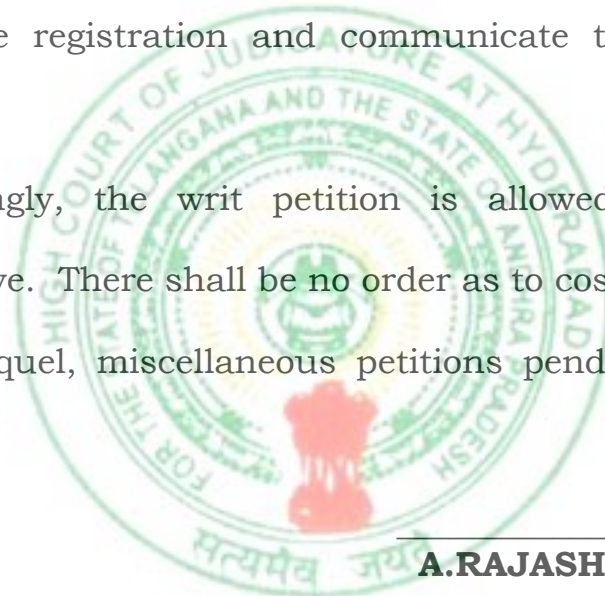
¹ 2016 (1) ALT 550

² 2016 (1) ALT 550

the same if the subject land is not included in the list of prohibited properties for registration sent by the competent authority i.e., District Collector in respect of the properties under Section 22-A(1) (a) (b) as held by the Full Bench of this Court in ***Vinjamuri Rajagopala Chary Vs. State of A.P., represented by its Principal Secretary, Revenue Department, Hyderabad and others***³ and if the same is in order as per the provisions of Indian Stamps Act, 1899 and the Registration Act, 1908 and the Rules made thereunder. Otherwise he shall record the reasons for refusal of the registration and communicate the same to the parties.

Accordingly, the writ petition is allowed to the extent indicated above. There shall be no order as to costs.

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



A.RAJASHEKER REDDY,J

Date: 21.03.2017
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³ 2016 (1) ALT 550