

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.29202 OF 2017

Date: 30.08.2017

Between:

B.Niyaz Hussain, S/o Ahmed Hussain, Aged 55 years,
R/o.H.No.9/15, Banaganapalli village, Kurnool District.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its Principal Secretary,
Stamps and Registration Department, Secretariat, Velagapudi,
Amaravathi, Guntur district and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner is aggrieved by the letter of the District Collector, Kurnool District, dated 14.04.2016, where under he has communicated the list of prohibited properties under Section 22-A(1)(a) of the Registration Act, 1908 (Act, 1908) to all the registering authorities in Kurnool district.

2. Learned counsel for petitioner sought to contend that subject property was purchased by the petitioner by paying market value and, therefore, question of including the said property in the prohibited list does not arise and the same is illegal. The refusal by the Sub-Registrar to register the document based on such false information furnished by the Collector is illegal.

3. Scope of Section 22-A of the Act, 1908 and the remedies that can be availed by a person aggrieved by inclusion of the properties in the prohibited list was extensively considered by the Full Bench of this Court in the case of **Vinjamuri Rajagopala Chary and Ors. v. Principal Secretary, Revenue Department, Hyderabad and others**¹. Full Bench of this Court granted liberty to an aggrieved person to ventilate before the District Collector if property claimed by a person as belonging to him is included in the prohibited list under Section 22-A(1)(a) of the Act, 1908. In the instant case, his property was included under Section 22-A(1)(a) of the Act, 1908. Therefore, petitioner has to avail remedy of submitting an application before the District Collector with relevant material in support of his claim that it was erroneously included and it is for

¹ 2016(1) ALT 550

the District Collector to consider the same and take a decision on examining of such claim. Even before availing such remedy, as held by the Full Bench, petitioner cannot directly invoke jurisdiction of this Court and challenge the said decision. This Court is not inclined to entertain the writ petition. Writ petition is disposed of, leaving it open to the petitioner to avail remedy of submitting representation to the District Collector as envisaged by the Full Bench.

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

JUSTICE P.NAVEEN RAO

Date: 30.08.2017
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