

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.28849, 28856, 28857 & 28919 OF 2017

Dated:29.08.2017

W.P.No.28849 of 2017

Between :

K. Yadagiri, S/o. K. Bheemaiah,
Hindu, aged 57 years,
Occ: Ex. Serviceman,
R/o.Door No.2-45, Near Lakshmi
Narasimha Swamy Temple,
Mehaboobnagar District, Telangana State

.. Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Stamps & Registration Department,
A.P. Secretariat, Velagapudi, Amaravathi,
Guntur District & others

.. Respondents



This Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.28849, 28856, 28857 & 28919 OF 2017

COMMON ORDER:

Heard.

2. The claim made in these Writ Petitions is similar to W.P.Nos.28764 of 2017 and batch and the said Writ Petitions are disposed of on 28.08.2017 with the following observations:

“In view of the judgment of the Full Bench on the issue, this Court is not inclined to hold the decision of registering authority not to accept the documents for registration as illegal. If the petitioners contend that valid assignment was granted to them as ex-service men and that they are entitled to alienate the properties, petitioners have to file applications before the District Collector, by enclosing all the relevant documents in support of their claim and to request the District Collector for exclusion of properties from the list of prohibited properties. Further, if what is stated by learned Government pleader is true, it is also open to the petitioners to participate in the enquiry and place all the relevant documents in support of assignment of land as ex-service men”.

3. However, when these matters are taken up for consideration, learned counsel for the petitioners sought to contend that the report of the Tahsildar vide his letter Ref.No.A/11/2017, dated 23.03.2017, addressed to the Revenue Divisional Officer, Rajampeta, Y.S.R. District, would disclose that the pattas were assigned to the petitioners as they are Ex. Servicemen. Learned counsel also placed reliance on the letter of the Tahsildar vide Ref.No.A/140/2017, dated 25.05.2017, addressed to the

Sub-Inspector of Police, B. Kodur Police Station, which discloses that the petitioners are the assignees for the relevant survey numbers. She, therefore, submits that the petitioners, being the valid Ex. Servicemen/assignees, are entitled to alienate the subject lands after ten years and therefore objection of the registering authority in not accepting the documents presented by them for registration is not valid.

4. Learned Government Pleader for Revenue placed before this Court the instructions furnished to him by the Tahsildar vide Ref.No.A208/2017, dated 28.08.2017, which disclose that having regard to the allegation of obtaining false pattas, a detailed enquiry was ordered by the District Collector by forming Teams of Revenue Officers headed by the Tahsildars for ground verification of all such lands with reference to the revenue records and to cancel the fabricated assignments, vide proceedings in Ref.No.A/01/2017 dated 16.08.2017 and also submits that the earlier reports were not valid and enquiry is in progress. He further submits that no assignment was made in favour of the petitioners as claimed by them and the land in Survey No.139 is classified as DKT patta and is already included in the list of prohibited properties under Section 22-A of the Registration Act, 1908 (for short, 'the Registration Act').

5. The issue for consideration in the present Writ Petitions is with reference to the registering authority not accepting any document for registration with regard to the subject properties. The registering authority is confronted with the list of prohibited properties furnished by the Tahsildar under Section 22-A of the

Act. When such list is available with the registering authority and the registering authority refuses to accept any document for registration concerning the properties included in the list of prohibited properties, the action of the registering authority cannot be faulted.

6. The entire issue concerning the scope of Section 22-A of the Act with regard to inclusion of certain properties in the list of prohibited properties and the scope of refusal of documents presented for registration, was considered by the Full Bench of this Court in ***Vinjamuri Rajagopala Chary v. State of Andhra Pradesh***¹ and in terms thereof, an aggrieved person has to apply to the District Collector with the supporting documents requesting him to exclude the properties claimed by him from the list of prohibited properties and unless and until the District Collector excludes the properties from the list of prohibited properties and furnishes the same to the registering authority, the registering authority cannot be compelled to accept the documents for registration and carry on registration of such documents. I therefore do not see any illegality on the part of the registering authority in not accepting the documents presented by the petitioners for registration.

7. The Writ Petitions are dismissed leaving it open to the petitioners to avail the remedy of submitting an application before the District Collector as directed by the Full Bench of this Court in ***Vinjamuri Rajagopala Chary*** at paragraph No.36 (ix) of the judgment. There shall be no order as to costs.

¹ 2016 (2) ALD 236 (F.B)

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

P.NAVEEN RAO,J

Date:29.08.2017

KH

