

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8609 OF 2017

ORDER:

The case of the petitioner is that he purchased land under registered sale deed to an extent of Ac.243 Sq.Yards in Survey No.147-B of Kothapeta Gramapanchayat in Vetapalem Mandal of Prakasam District from his vendor by name Shaik Shadiq Ali vide document bearing No.4030 of 2015 who purchased the same under registered sale deed dated 28.02.2005 from T.Kameswari Devi. Originally this subject land was purchased by one Y.Koteswara Rao from his vendor by name Gaddam Ramaswamy under registered sale deed dated 05.05.1961 and from Y.Koteswara Rao, one Pasupuleti Venkata Nageswararao purchased the said land vide registered sale deed 06.04.1977; and that one M.Venkata Rao purchased the said land from P.Nageswar Rao under registered sale deed dated 18.08.1983. From M.Venkata Rao, the sons of T.Veeraiah purchased the subject land under registered sale deed dated 27.04.1984; and that the sons of T.Veeraiah sold the said land in favour of one Ghanta Ammiah and sons of Ravichandra Prasad under registered sale deed dated 27.04.1985 and they have sold the said property to T.Kameswari Devi and from her petitioner's vendor purchased same. From the date of purchase the predecessors of the petitioner and petitioner have been in possession and enjoyment over the subject property as

absolute owners thereof. The petitioner name was mutated in all revenue records and panchayat records. So many registered transactions have been taken place in the same survey number with regard to this schedule property by way of registrations. The predecessors of the petitioner have enjoyed the subject property as absolute owners thereof without any hindrances from the respondents. While so, when the petitioner applied to the 4th respondent for details of valuation so as to sell the same to the intending purchaser, the 4th respondent stated that the subject land is enlisted by the 3rd respondent as prohibited property for registration vide proceedings in RCB.No.249/2012, dated 06.06.2012, wherein he requested the 4th respondent not to entertain registration of any transactions over the lands enlisted therein. The 4th respondent also gave an endorsement to that effect stating that the subject land is assessed waste land as per the basic value guidelines and refused to entertain registration of any documents of conveyance in respect of the subject land. Aggrieved by the same present writ petition is filed.

Learned counsel for the petitioner submits that earlier when the 4th respondent refused to register documents in favour of petitioner, petitioner's vendor filed WP.No.16719 of 2013 which was disposed of, directing to register the documents without taking any objections about the nature of the land. Basing on the same, the subject land was registered

in the name of the petitioner. In view of the same, the Tahasildar has no power to include the subject lands in the list of prohibited properties made under Section 22A of the Registration Act, 1908. He also submits that as per the Full Bench Judgment of this Court in ***Vinjamuri Rajagopalachary and others v. The State of A.P., represented by Principal Secretary, Revenue Department, Hyderabad and others***¹, G.O.Ms.No.198, dated 05.05.2016 enlisting the prohibited properties under Section 22A of the Act was issued and the same is forwarded to all Sub Registrars and that the subject land is not shown in the said list. Therefore, the impugned proceedings of the Tahasildar are liable to be set aside.

Heard learned Assistant Government Pleader for Revenue.

In this case it is to be seen that the impugned proceedings prohibiting the registration of subject lands was issued by the Tahasildar. As per the aforesaid Full Bench Judgment, the guidelines insofar as clauses (a) to (d) of sub-section (1) of Section 22-A are concerned, it is clear that the concerned authority viz., District Collectors in case of properties covered by clauses (a) and (b), Commissioner in case of Endowment and Secretary in case of Wakf properties covered by clause (c), and the Special Officer and competent

¹ 2016 (1) ALT 550 (F.B)

authority under the Urban Land Ceiling Act and Regulations in respect of the properties covered by clause (d) have suo motu power to add to the list or delete from the list of any property and/or to modify the list sent to the registering officer having jurisdiction over such property.

Admittedly, the impugned proceedings are issued by the 3rd respondent, who is not competent to issue the said list. Petitioner claims that in pursuance to the Full bench Judgment, G.O.Ms.No.198, dated 05.05.2016 was issued by the State Government and in the said list, the subject property is not included, as such, the 4th respondent cannot refuse to receive and register the documents of the subject lands.

In view of the aforesaid facts and circumstances and in view of the aforesaid Full Bench Judgment, unless the competent authority sent the list including the subject property in the said list of prohibited properties, the 4th respondent cannot refuse to receive and register the documents.

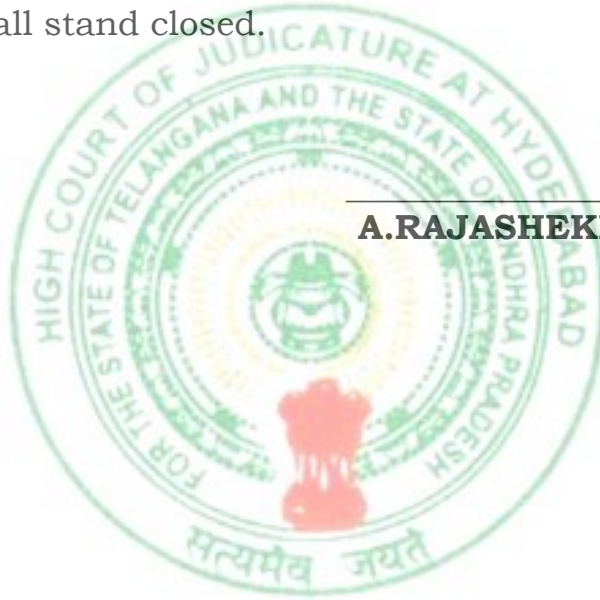
In view of the above, the 4th respondent is directed to receive and register the documents in respect of subject lands, without reference to the impugned proceedings dated 06.06.2012, if the same is in order as per the provisions of Indian Stamps and Registration Act and the Rules made

thereunder, and if the subject land is not included in the list of prohibited properties for registration as per Section 22-A of the Registration Act, 1908 or not prohibited for registration by any order/injunction/attachment passed by the Court or competent authority.

Accordingly, the writ petition is disposed of. No order as to costs.

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

04.04.2017
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A.RAJASHEKER REDDY, J