

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.Nos.33146 and 33085 of 2017

COMMON ORDER :

Heard the counsel for petitioners, and the learned Government Pleader for Revenue, for respondents.

2. The petitioners in both these Writ Petitions are aggrieved by the action of the 3rd respondent in refusing to accept for the purpose of registration sale deeds presented by them in respect of land in Survey Nos.373, 376, 377 and 378/1 sitaute at Balapur Village and Mandal, Ranga Reddy District on the ground that they are in the list of prohibited lands prepared by the District Collector and communicated to respondent nos.2 and 3.

3. The counsel for petitioners states that earlier these lands had been included in the list prepared in the erstwhile 22-A of the Registration Act, 1908; that petitioners had filed WP.No.3249 of 2009 before this Court challenging the said inclusion in the prohibited list; the said Writ Petition was allowed on 04.03.2009; and the said order attained finality; and therefore, the 3rd respondent cannot refuse to accept the documents presented by the petitioners for the purpose of registration and decline to register the same.

4. The learned Government Pleader for Revenue, appearing for respondents, does not dispute the fact that on 04.03.2009 in WP.No.3249 of 2009 this Court categorically held that the subject lands cannot be included in the list of lands prohibited for the purpose

of registration under Section 22-A, and that the said lands were directed to be deleted from such list.

5. Once the said judgment has attained finality, the respondents cannot again contend that the lands in question are Government lands and they cannot be registered.

6. Such a view would practically amount to permitting the respondents to sit in appeal over the above order in the Writ Petition which is impermissible in law.

7. Therefore, the petitioners are directed to present their respective documents before the 3rd respondent for the purpose of registration; and on such presentation by petitioners, without reference to the list prepared under Section 22-A of the Act, the 3rd respondent shall consider the same for the purpose of registration strictly in accordance with the provisions of the Registration Act, 1908 and Indian Stamp Act, 1899, and take appropriate action in that regard; and communicate his decision thereon to petitioners within a period of four (04) weeks from the date of submission of documents by petitioners.

8. Accordingly, the Writ Petitions are disposed of with the above directions. No order as to costs.

9. As a sequel, miscellaneous petitions pending if any in these Writ Petitions, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 09-11-2017

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