

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.28764, 28768 & 28798 OF 2017

DATED : 28.08.2017

Between :

P. Ram Reddy S/o.Late Sri P.Chintal Reddy,
Hindu, Aged 50 yrs, Occu : Ex-Service Men,
R/o.D.No.45-85/1, Srinivasnagar,
Near Navodaya High School,
IDA, Jeedimetla, Quthbullapur Mandal,
R.R.District, Telangana.

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Petitioner

And

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

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Respondents



This court made the following :

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COMMON ORDER :

Heard.

2. Petitioners claim that the documents presented for registration of sale transactions is not received by the registering authority and that petitioners are informed that the said properties are included in the prohibited properties list under Section 22-A of the Registration Act, 1908 (for short 'the Act') and therefore, cannot be accepted for registration.

3. According to learned counsel for the petitioners, the subject properties in these writ petitions are assigned to ex-service men and in terms of the assignment granted to ex-service men, they are entitled to alienate the lands assigned to them after ten years of assignment. As the assignment was granted long ago, ten years period is over and they are entitled to alienate the lands. Learned counsel also submits that the petitioners' names were reflected in the revenue records and their names stand as D-form patta holders. These D-form pattas having been granted to ex-service men, alienation is valid.

4. Learned Government Pleader, on instructions, submits that no pattas were granted and pattas which petitioners claim were bogus. No assignment was granted and in fact enquiry is in progress.

5. The limited issue for consideration in these writ petitions is whether the rejection of request of petitioners for registration of sale transaction in the subject properties by the registering

authority, on the ground that in the list of prohibited properties, these properties are included and therefore, he cannot accept for registration, is valid.

6. The entire issue concerning the scope of Section 22-A of the Act, of inclusion of certain properties in the prohibited properties list and the scope of refusal of documents presented for registration, was considered by the Full Bench of this Court in **“*Vinjamuri Rajagopala Chary Vs State of Andhra Pradesh*¹.”**

7. 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.

8. With the above observations, the Writ Petitions are dismissed. There shall be no order as to costs.

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

P.NAVEEN RAO,J

28th August, 2017
Rds

¹ 2016 (1) ALT (550) (F.B)