

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.33331 OF 2017

DATED : 09.10.2017

Between :

Abothula Uday Shankar Kalyan Prabhu,
S/o.Abothula Raja Rathnam Naidu,
Age : 35 yrs, Occu : Business,
R/o.Bobbili Town & Mandal,
Vizianagaram District.

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Petitioner

And

State of Andhra Pradesh,
rep., by its Commissioner,
Stamps & Registration Department,
Velagapudi, Amaravathi, Krishna District & others.

..

Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner is aggrieved by inclusion of subject property in the prohibited list of properties under Section 22-A of the Registration Act (for short 'the Act').

3. Learned counsel for the petitioner sought to contend that such inclusion is erroneous and having suffered a decree before this Court in A.S.No.715 of 1993, the Commissioner could not have included the subject property in the prohibited list of properties.

4. Learned Assistant Government Pleader produced the proceedings of communication of Commissioner, Endowments, vide his letter dated 07.05.2016 addressed to the Commissioner and Inspector General of Stamps & Registration, containing the list of properties which are treated as Endowment properties. The enclosed list would disclose that the subject property is also included in the said list. The issue of inclusion of properties in the prohibited list of properties and the remedies that can be availed by the aggrieved person was considered extensively by the Full Bench of this Court in ***"Vinjamuri Rajagopala Chary Vs State of Andhra Pradesh"***¹ and detailed directions were issued.

¹ 2016 (1) ALT (550) (F.B)

5. In terms of the said decision, if the petitioner is aggrieved by alleged illegal inclusion of the property claimed by him as belonging to him in the prohibited list of properties, he should avail the remedy as provided by the Full Bench of this Court.

6. At this stage, learned counsel for the petitioner seeks leave of this Court to avail the remedy of representing to the Commissioner, Endowments Department.

7. Granting the said liberty as prayed for, the Writ Petition is disposed of. It is needless to observe that if a representation is made with supporting documents to exclude the property from the list of prohibited properties under Section 22-A (1) (c) of the Act, the Commissioner shall examine the same and pass appropriate orders, as warranted by law, within a period of three (3) months from the date of receipt of such representation. There shall be no order as to costs.

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

9th October, 2017
Rds

P.NAVEEN RAO,J