

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.15885 of 2017

ORDER:

The grievance of the petitioner is that he is the owner and possessor of the land admeasuring 0.94 cents in Survey No.540/1, 0.99 cents in Survey No.586 and Ac.1.00 cents in Survey No.586, situated in Rayachoti Village & Mandal, YSR District having purchased by his father through registered sale deeds vide document No.2997/2005, dt.02.07.2005; 5609/2005, dt.28.12.2005; 1209/2006 dt.22.03.2006 and 12501/2011 dt.14.08.2002. Prior to his purchase number of sale transactions had taken place in the said survey numbers through registered sale deeds and the petitioner has also availed crop loans by duly mortgaging the aforesaid lands with the Rayachoti Co-operative Bank by duly executing mortgage deeds. It is also stated that prior to purchase of the petitioner's father, his vendors and their vendors and their vendors had been in continuous possession and enjoyment of the subject property without any interruption from anybody. While so, when petitioner wanted to sell the same, the 5th respondent did not entertain the documents presented by the petitioner for its registration. As such, the petitioner and other similarly situated persons filed WP.No.5766 /2009 and the same was disposed of by this Court by order dated 29.07.2013 directing the respondents therein to receive the documents in respect of the subject land and process the

same for registration without raising the objection that the land is government/assigned land. Thereafter, when the petitioner offered to sell the remaining part of the land, he approached the 5th respondent to know about the stamp duty. Then, the 5th respondent informed the petitioner that the aforesaid land is an assigned land and that the said property falls in the properties prohibited for registration under Section 22A (1)(a) of the Registration Act. Then the petitioner obtained a copy of the said list by making representation wherein he found that the subject land was included in the prohibited list. Aggrieved by the same, present writ petition is filed.

At the time of hearing, learned counsel for the petitioner submits that the petitioner will make necessary application before the 2nd respondent in terms of the Full Bench Judgment in ***Vinjamuri Rajagopalachary and others v. The State of A.P., represented by Principal Secretary, Revenue Department, Hyderabad and others***¹, and seeks direction to the 2nd respondent to consider the same for deletion of subject land from the prohibited list, since the subject land was assigned in the year 1942 and there is no condition of non-alienation for the lands assigned prior to 1954.

Heard learned Assistant Government Pleader for Revenue.

¹ 2016 (1) ALT 550 (F.B)

The present issue has been dealt with by the Full Bench of this Court in ***Vinjamuri's case***, wherein it was held that the District Collector is the competent authority who can include or exclude the properties from the list of prohibited properties prepared under Section 22 A (1)(a) of the Registration Act, 1908. The same is not disputed by the learned counsel for the petitioner.

In view of the same, it is open for the petitioner to make an application before the 2nd respondent for deletion of subject land from the list of prohibited properties and on such application being made by the petitioner, the 2nd respondent is directed to consider the same in terms of aforesaid full bench Judgment in ***Vinjamuri Rajagopalachary v. The Government of Andhra Pradesh***, within a period of two months from the date of receipt of application from the petitioner and take action accordingly.

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

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

27.04.2017
t k.