

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2844 OF 2017

ORDER:

This writ petition is filed seeking writ of mandamus declaring the action of the 2nd respondent in refusing to register the document presented by the petitioner in respect of the land admeasuring Ac.1.44 cents in Sy.No.567 of Gargeyapuram, Kurnool Mandal & District by issuing the impugned orders in Ref.No.R.O(O.B)/KNL/Refusal Order No.14/2016, dated 01.11.2016 basing on the letter of the 4th respondent-Collector as illegal and arbitrary and consequently to set aside the same.

Heard learned counsel for the petitioner, learned Assistant Government Pleader for Revenue, Sri Arifullah, learned Standing Counsel for the 3rd respondent-Wakf Board.

Learned counsel for the petitioner submits that in similar circumstances this Court granted interim order on 26.09.2016 in WPMP No.39375 of 2016 in WP No.32134 of 2016.

Learned Standing Counsel for Wakf Board submits that after the Judgment of Full Bench in W.A.Nos.343 of 2015 & batch dated 23.12.2015, fresh list is sent by the Wakf Board prohibiting some of the properties and that if the subject property falls under the said list sent by the Wakf Board, the same cannot be registered.

A perusal of the impugned refusal order goes to show that the document presented by the petitioner is refused for registration basing on the proceedings of the District Collector,

Kurnool vide proceedings R.Dis(E2)/2845/2010, dated 17.01.2012, who is not competent authority according to Full Bench Judgment of this Court reported in **Vinjamuri Rajagopala Chary v. State of Andhra Pradesh, rep. by Principal Secretary, Revenue Department, Hyderabad¹**.

In view of the same, the 2nd respondent is directed to entertain the documents presented by the petitioner for registration and register the same, if the same fulfils the requirements of Indian Stamp Act, 1899 and Registration Act, 1908. The 2nd respondent is further directed to consider the list of prohibited properties, if any, sent by the competent authority of the State Wakf Board, as per Full Bench Judgment referred to above, while registering the documents in respect of the subject property and that if no list is sent by the State Wakf Board, the 2nd respondent cannot refuse the registration. However, if the 2nd respondent wants to refuse the same, he has to furnish reasons thereof as envisaged under Section 71 of the Registration Act, 1908 and communicate the same to the petitioner.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel to the disposal of the writ petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

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¹ 2016(1) ALT 550 (F.B)

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