

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 31140 of 2017

Date :14.9.2017

Between :

Vangapally Ganesh S/o late Vangapally Lingam
44 years
R/o H NO. 30-31 Sai Sagar enclave
Bowenpally, Secunderabad

Petitioner

And

The State of Telangana,
Rep by its Principal Secretary,
Revenue Department (Stamps and Registration)
Secretariat, Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner contends that document sought to be presented for registration is refused and petitioner was informed by Registering authority that properties claimed by petitioner are classified as Wakf property and prohibited for registration under Section 22-A of the Registration Act, 1908.

2. Heard the learned counsel for petitioner and learned Government Pleader for Revenue (TG) and Sri M.A.Mujeeb, learned standing counsel for 4th respondent Wakf Board and with their consent the writ petition is taken up disposal at the admission stage.

3. Learned Government Pleader produced letter F No. 7159/RRC/Prot/RR/09 dated 20.7.2009 addressed to the Sub Registrar, Registration and Stamps Department, Narapally, R R District informing that lands covered by Survey Nos. 1 to 4 and 24 to 49, Miyapur village, Ghatkesar mandal, Ranga Reddy district are notified wakf properties of Dargah Hazrath Meer Momin Chup and requesting not to register the same.

4. The Registering authority is bound by any such notification or intimation of prohibited list of properties and cannot entertain any document for registration unless the concerned property is excluded from the list of prohibited properties, therefore, petitioner cannot allege illegalities against the Registering authority in refusing to receive the document for registration.

5. As held by Full Bench of this Court in ***Vinjamuri Rajagopala Chary v. State of Andhra Pradesh***¹ aggrieved party against inclusion of the property claimed by him in the prohibited list of

¹ 2016 (1) ALT 570 (F.B)

properties has to approach the appropriate authority with supporting documents and seek exclusion of the property from the list of prohibited properties, in the case on hand as the Wakf Board is claiming the property, the petitioner has to go before the Chief Executive Officer of Wakf Board and satisfy him that the properties claimed by him cannot be included in the prohibited list.

6. Thus, granting liberty to the petitioner to avail the alternative remedy of representing before the Chief Executive Officer of Wakf Board, as provided, the writ petition is disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE:14.9.2017
TVK

P NAVEEN RAO,J



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