

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.16599 of 2017

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Assignment, appearing for the respondents.

2. Petitioner has filed this Writ Petition assailing the action of 2nd respondent in including the subject property in the prohibitory list communicated by him to 4th respondent under Section 22-A of the Registration Act, 1908 and for a direction to 2nd respondent to delete the same from the said list.

3. Petitioner contends that petitioner's predecessor in title had filed W.P.No.28212 of 2010 in this Court stating that the subject land had been purchased in an auction conducted by the Primary Agriculture Cooperative Society, and therefore the sale is valid even if the land is assigned land; and the provisions of the A.P. Assigned Land (Prohibition of Transfer) Act, 1977 do not apply such transactions; that the said Writ Petition was allowed on 12-11-2010 following the Division Bench judgment of this Court in **Sub-Registrar, Srikalahasti, Chittoor Vs. K.Guravaiah and others**¹; that 4th respondent is a party to the said order; and in spite of the same, he has refused to register the subject land again raising the same plea.

4. Learned Government Pleader for Assignment appearing for respondents does not dispute the fact that the petitioner's

¹ 2009 (2) ALD 250

predecessor had obtained orders on 12-11-2010 in W.P.No.28212 of 2010 that the subject land cannot be prohibited from being alienated and that 4th respondent in this Writ Petition is a party to the said order. He however states that the 2nd respondent had issued a letter on 19-05-2016 notifying the subject land is also an assigned land and that this was done pursuant to Full Bench judgment of this Court in W.A.No.343 of 2015 dt.23-12-2015.

5. This stand taken by 4th respondent cannot be countenanced and it would practically amount to contempt of the order dt.12-11-2010 in W.P.No.28212 of 2010. Also having regard to the Division Bench judgment of this Court in **K.Guravaiah and others** (1 supra), the land could not have been treated as assigned land and prohibited for registration by 2nd respondent under the proceedings dt.19-05-2016 issued to 4th respondent. It appears that 2nd respondent is sitting in appeal over the order dt.12-11-2010 in W.P.No.28212 of 2010, which is impermissible.

6. Therefore, the Writ Petition is allowed with costs of Rs.5,000/- (Rupees Five Thousand only) to be paid by 1st respondent to the petitioner; 2nd respondent is directed to forthwith delete the subject land from the list of prohibited properties communicated by him on 19-05-2016 to 4th respondent; and 4th respondent is directed to register the document presented by the petitioner in respect of the subject land without reference to the letter dt.19-05-2016 issued to him by 2nd respondent.

7. Registry to issue show cause notice to respondent Nos.2 and 4 to show cause why proceedings for contempt of Court shall not be issued against them for willful disobedience of the order dt.12-11-2010 in W.P.No.26282 of 2010 and batch.

8. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 22-12-2017
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