

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.13480 OF 2017

ORDER:

This writ petition is filed aggrieved by the action of the 5th respondent in refusing to receive, register the document presented by the petitioner with regard to subject land basing on the prohibited list sent by the 4th respondent under Section 22-A of the Registration Act (for short “ the Act”).

Learned counsel for the petitioner submits that as per full Bench Judgment of **Vinjamuri Rajagopala Chary v. Principal Secretary, Revenue Department, Hyderabad**¹ it is for the District Collector to send the list prohibiting the properties from registration in respect of properties falling under Section 22-A (1) (a), (b) and (d) of the Act. It is the Commissioner of Endowments or Secretary to Wakf Board is competent to send list of properties falling under Section 22-A (1) (c) of the Act. But in this case, the 5th respondent is not entertaining the document presented by the petitioner basing on the list sent by the 4th respondent, who is the Tahsildar and he has no jurisdiction to send the same. He also submits that the list prepared by the District Collector does not contain the subject land as prohibited property.

Heard learned Assistant Government Pleader for Revenue.

¹ 2016(1) ALT 550 (F.B.)

In view of the above facts and circumstances of the case, the 5th respondent cannot rely on the list furnished by the 4th respondent, unless it is the list sent by the competent authority as stated supra.

Having regard to the above, the 5th respondent is directed to entertain the registration of the document presented by the petitioner and register the same if the subject land is not in the prohibited list of properties sent by competent authorities as held by Full Bench of this Court in the judgment cited supra and if the same are in order as per provisions of the Indian Stamp Act and the Registration Act and the rules made thereunder if he wants to refuse to register the same, he shall record reasons and communicate the same to the parties.

With the above direction, this writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

18-04-2017
Nvl

