

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.8411 and 8412 of 2017

COMMON ORDER:

Since the subject matter of both these writ petitions is one and the same, they are heard together and disposed of by this common order.

These writ petitions are filed challenging the action of the 2nd respondent in refusing to register the sale deeds presented by the petitioners.

When the matter is listed on 10.03.2017, learned Standing Counsel for the 3rd respondent-Telangana Wakf Board sought time to produce the list of prohibited properties made under Section 22A(1)(e) of the Registration Act in pursuance to the Judgment rendered by the Full Bench of this Court in ***Vinjamuri Rajagopalachary v. The Government of Andhra Pradesh (2016 91) ALT 550***, in respect of the subject lands. Today, when the matter is listed learned Standing Counsel submits that already list of prohibited properties under Section 22A (1) (e) of the Registration Act has been communicated by the competent authority in terms of the aforesaid full bench judgment. He further submits that as the list of prohibited properties is in the form of CD the same could not be placed before this Court.

Learned counsel for the petitioners submits that there is no such list submitted to the 2nd respondent by the competent authority and the impugned order does not reflect the same.

In the impugned order it is only stated that as the subject property has been notified as Wakf property the 2nd respondent rejected to register the same. In view of the same, the impugned order is set aside and the 2nd respondent is directed to receive and register the documents presented by the petitioners in respect of the subject property, if the same are in order as per the provisions of the Indian Stamps and Registration Act and the Rules made thereunder, and if the same is not included in the list of prohibited properties for registration sent by the competent authority in terms of the aforesaid full bench Judgment. If he wants to refuse registration, he shall record reasons as envisaged under Section 71 of the Act and communicate the same to the parties.

Accordingly, both the writ petitions are disposed of. No order as to costs.

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

A.RAJASHEKER REDDY, J

17.03.2017
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