HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.22125 OF 2016

Date: 13.09.2017

Between:

G.Rama Krishna Mohan Rao, S/o G.Venkata Subbaiah,
Aged about 53 years, R/o 4-21-41/1A, 4th Line,
Chaitanyapuri, Guntur, Guntur district, A.P.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its Principal
Secretary, Revenue (Registration & Stamps) Department,
Secretariat, Hyderabad and others.

.....Respondents

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते

The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Petitioner filed this writ petition alleging action of the respondents in refusing to receive/register the documents presented by the petitioner in relation to the land to an extent of 302 square yards in Sy.No.83/8 of Koretipadu village, Guntur Mandal, covered by residential house bearing door no.4-21-42/A as illegal and arbitrary.

2. Learned counsel for petitioner submits that petitioner owns the subject land and he has constructed the house in the said land after obtaining permission from Guntur Municipal Corporation during the year 2010. He further submits that petitioner purchased the said land under two registered documents bearing document Nos.6570 and 6571 of 2010, dated 30.07.2001; that there are several registered documents in relation to the land in Sy.No.83 of Koretipadu village; that larger extent of land to an extent of Ac.5.70 cents in Sy.No.83 of the said village was subject matter of a ryotwari patta granted under the provisions of the A.P. (AA) Inams (Abolition and Conversion into Ryotwari) Act, 1956, which is classified as "inam' land in the Re-settlement Register. Learned counsel further submits that petitioner mortgaged the said property in favour of Andhra Bank, Kothapet Branch in the year 2011 and now he wants to take back the same and intends to mortgage the said property in favour of State Bank of India for the purpose of obtaining educational loan for his son; that when he approached the Sub-Registrar, Koretipadu

(3rd respondent), the Sub-Register, by his endorsement dated 21.06.2016, refused to register the document as the said land is in endowment land list. Aggrieved thereby, petitioner filed this writ petition.

3. Counter-affidavit is filed on behalf of the Sub-Registrar (3rd respondent). In the counter-affidavit, it was stated that the Deputy Commissioner, Endowments Department (5th respondent) furnished the prohibited list of Koritepadu Revenue Village under Section 22(A)(1)(C) of the Registration Act, 1908 (Act, 1908) on 29.06.2016 and in the said list, the land to an extent of Ac.5.70 cents in Sy.No.83 of said village is classified as 'Endowment land relating to Sri Seetharama Swamy Temple, Koritepadu', and registration of the said property by way of sale, gift, mortgage etc., are prohibited under Section 22(A)(1)(C) of the Act, 1908 and, therefore, it cannot be said that the action of the registering authority is illegal.

4. The issue of inclusion of properties in the prohibited list, not accepting the documents for registration and the scope of Section 22-A of the Act were elaborately considered by the Full Bench of this Court in ***Vinjamuri Rajagopala Chary v. State of Andhra Pradesh***[1]**.**

5. In terms of the directions of the Full Bench of this Court, if a person is aggrieved by inclusion of the property in the prohibited list under Section 22(A)(1)(C) of the Act, 1908, he has to submit application/representation before the Commissioner for

[1] 2016 (1) ALT 570 (F.B)

Endowments praying to exclude the subject property by enclosing all documents in support of his claim.

6. Learned counsel for petitioner seeks leave of the Court to submit a representation/application to the Commissioner for Endowments and seeks further direction to consider the said representation/application expeditiously.

7. Having regard to these submissions, without expression any opinion on merits, writ petition is disposed of, granting liberty to the petitioner to make a representation/application to the Commissioner for Endowments praying to exclude the subject property from the list of prohibited properties under Section 22(A)(1)(C) of the Act, 1908 by enclosing all documents in support of his claim. As and when such request is made by the petitioner, the Commissioner for Endowments shall consider the same objectively duly taking note of the documents filed in support of his claim and shall pass a reasoned order and communicate the decision thereon to the petitioner. The Commissioner shall take a decision and communicate the same to the petitioner within a period of two months from the date of receipt of application/ representation.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date: 13.09.2017
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