

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.27418 OF 2017

DATED : 17.08.2017

Between :

Mrs.Pirlamarla Preethi W/o.Nitesh Shah,
Aged about 32 yrs, Occu : Doctor,
Presently residing at No.77, Jackson Mills Road,
Freehold, New Jersey 07728, USA,
Rep., by her SPA Holder,
Sri Pirlamarla Vittal, S/o.P.Eshwaraiah,
Aged about 75 yrs, Occu : Agriculture,
R/o.H.No.6-3-25, Shivajinagar,
Sanga Reddy Town and District, Telangana.

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Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Stamps and Registration Department,
Secretariat, Hyderabad & others.

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Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner claims that she is the absolute owner and possessor of property admeasuring Ac.6-20 guntas in Sy.No.134/2, of Arutla Village, Kandi Mandal, Sanga Reddy District, having acquired through registered gift settlement deed dated 26.11.2001. Petitioner's name was mutated in the revenue records and was issued pattedar pass book and title deeds. Petitioner claims to be in possession and enjoyment of the said property. When petitioner intends to dispose of the property and approached the Joint Sub-Registrar-I, Sanga Reddy (3rd respondent) to furnish the market value certificate, the 3rd respondent supplied copy of the market value dated 29.06.2017, wherein it was mentioned that Sy.No.134/2 of Arutla Village, Kandi Mandal, Sanga Reddy District is prohibited from registration under Section 22 (1) (a) of the Registration Act, 1908. Aggrieved thereby this writ petition is filed.

3. The issue of registration of documents presented before the registering authority and inclusion of properties in the prohibited list are all considered by the Full Bench of this Court and the Full Bench rendered judgment in ***Vinjamuri Rajagopala Chary Vs State of Andhra Pradesh***¹, and gave detailed directions on all aspects.

4. According to the directions issued by the Full Bench a person aggrieved by inclusion of property claimed by him as

¹ 2016 (1) ALT (550) (F.B)

owned, in prohibited list, is entitled to apply to the District Collector for rectification of the revenue records by enclosing all the documents in support of his claim. As and when such claim is made, the District Collector is required to consider the same and take appropriate action either affirming inclusion in the prohibited list or deleting the property from the prohibited list.

5. In the case on hand, though petitioner was informed that her property is included in the prohibited list, she did not apply to the District Collector with supporting material to exclude the property from the prohibited list and straight away instituted this writ petition. Unless the property is deleted from the list of prohibited properties, the Registering authority cannot be compelled to furnish market value and to entertain the document for registration. Hence, this Court is not inclined to entertain the writ petition.

6. Granting liberty to the petitioner to approach the District Collector, with all the supporting documents requesting to delete the property from the prohibited list, the writ petition is disposed of. It is needless to observe that as and when such request is made, the same shall be considered and appropriate decision be taken and communicated to the petitioner, as expeditiously as possible, preferably within a period of two (2) months from the date of receipt of such request. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

17th August, 2017
Rds

P.NAVEEN RAO,J

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