

HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No.17602 of 2017

ORDER:

Heard counsel for petitioner and Government Pleader for Assignment for respondents.

2. Petitioner contends that the subject land originally assigned to petitioner's father on 20.07.1942 and inspite of the same, the subject land was included in the list of prohibited land communicated under Section 22-A (i) (a) of the Registration Act, 1908, by the second respondent to the 4th respondent and seeks deletion of the same from the said list.

3. According to petitioner, he had earlier filed W.P.No. 8984 of 2013 before this Court challenging order dated 19.5.2011 in order No. 1/ 2011 and 2/2011 passed by the 4th respondent in refusing to register the document presented by him in respect of the subject land to which all the respondents are parties; that the said Writ Petition was allowed on 7.4.2013 setting aside the order of 4th respondent and holding specifically that the subject lands have been assigned prior to 1942, that the provisions of A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 cannot be applied; and there cannot be any prohibition under Section 22-A of the Registration Act, 1908 to alienate them.

4. It is shocking that inspite of the same, the 4th respondent again files a counter in the present Writ Petition refusing to register the document. It is also shocking that the 2nd respondent has not deleted the subject land from the list communicated by him under Section 22-A (i) (a) referred to above.

5. Therefore, the Writ Petition is allowed; the action of the second respondent in including the subject land in the prohibited list communicated by him to the 4th respondent is illegal, arbitrary and violative of Articles 14, 21 & 300-A of Constitution of India; and 4th respondent is directed to register the document submitted by the petitioner without reference to such list. The first respondent shall also pay costs of Rs. 10,000/- (Rupees Ten Thousand Only) to petitioner.

6. The Registry shall issue notice to respondents 2 & 4 to show cause why proceedings of Contempt of Court shall not be initiated against them for willful disobedience of the order dated 27.4.2013 in W.P.No. 8984 of 2013.

7. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

Date: 13.12.2017
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