

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.40997 of 2015

ORDER:

In this writ petition the petitioner assails the refusal order dated 28-07-2015 passed by the 5th respondent-Sub-Registrar, Mangalagiri, refusing to register the document in respect of the property in question, submitted by the petitioner on the ground that the property in question is in prohibitory list furnished by the 4th respondent-Tahasildar, Mangalagiri mandal, Guntur District.

2. Learned counsel for the petitioner strenuously contended that 4th respondent-Tahasildar, is not competent to decide the list of prohibitory properties and it is only the 2nd respondent-District Collector, Guntur, who is competent to add/delete certain property from the list of prohibited properties. In support of his contention, learned counsel relied on

the Full Bench decision of this Court in ***Vinjamuri Rajagopala Chary vs. State of Andhra Pradesh***¹.

3. A perusal of the order dated 28-07-2015 passed by the 5th respondent goes to show that refusal of registration is basing on the list of prohibited properties furnished by the 4th respondent-Tahasildar under Section 22-A (1) (a) of the Registration Act (for short “ the Act”). In ***Vinjamuri Rajagopala Chary’s case (supra)***, this Court held that District Collector is competent to send the list of prohibited properties under Section 22-A(1) (a) of the Act and has power to add or delete the properties from the list of prohibited properties made under Section 22-A(1) (a) of the Act and any list by incompetent authority has to be ignored.

4. Though the writ petition is of the year 2015, no counter affidavit is filed. Since it appears the refusal of registration is based on the list sent by the 4th

¹ (2016 (1) ALT 550

respondent, the impugned refusal order is set aside and the 5th respondent is directed to entertain the document presented by the petitioner for registration in respect of subject land and register the same, if it is not included in the list of prohibited properties sent by competent authority as held by this Court in ***Vinjamuri Rajagopala chary's case*** cited supra and is not prohibited for registration by any injunction granted by the Court and if it is in order as per provisions of Stamps and Registration Act and in case if the 5th respondent intends to refuse registration, he shall record reasons as required under Section 71 of the Act.

5. Accordingly, this writ petition is allowed to the extent indicated above. Miscellaneous petitions, if any pending shall also stand closed. No order as to costs.

A.RAJASHEKER REDDY, J

Dated: 13-03-2017
NRG

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.40997 of 2015

//WEB//



13-03-2017

NRG