

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.39035 of 2017

ORDER :

Heard the counsel for petitioners, and the learned Government Pleader for Revenue, for respondents.

2. The petitioners' grievance is that even though proceedings in respect of subject land under the provisions of the Urban Land Ceiling and Regulation Act, 1976 were quashed by this High Court on 18.03.2009 in Writ Petition No.20925 of 2008 and no appeal against the said judgment has been preferred, the respondents have included the subject land under the list of prohibited properties issued under Section 22-A of the Registration Act, 1908, and that this action is illegal and arbitrary and violates Articles 14 and 300-A of the Constitution of India.

3. The learned Government Pleader for Revenue, appearing for respondents, states that no appeal has been preferred by respondents against the order dt.18.03.2009 in Writ Petition No.20925 of 2008.

4. When the said order has attained finality, inclusion of the said properties in the list of prohibited properties for the purpose of registration under Section 22-A of the Registration Act, 1908 amounts to committing contempt of the above order passed in Writ Petition No.20925 of 2008, since they can not be termed as Government properties by no stretch of imagination.

5. Accordingly, all the proceedings under Section 10 of the Urban Land Ceiling and Regulation Act, 1976 are set aside. The Writ Petition is allowed, and the respondents are forthwith directed to delete the subject land from the list of prohibited properties notified under Section 22-A of the said Act. No order as to costs.

6. The Registry is directed to issue show-cause notice to the 3rd respondent to show-cause why proceedings for Contempt of Court shall not be initiated against him for including the subject land in the prohibitory list under Section 22-A of the Registration Act, 1908 in spite of the order dt.18.03.2009 in Writ Petition No.20925 of 2008.

7. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27-11-2017

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