

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.38646 of 2017

ORDER :

Heard the counsel for petitioners and the learned Government Pleader for Assignment appearing for respondents.

2. Petitioners have assailed in this Writ Petition the action of the respondents in including petitioners' land in Sy. Nos.291/1, 291/2, 291/5 and 291/6 of Vaikuntapuram village of Amaravathi Mandal, Guntur District, in the list of prohibited properties, communicated under Section 22-A of the Registration Act, 1908 by 3rd respondent to the registration authorities. Petitioners contend that the subject land is private land and was the subject matter of registered sale deeds dt.15-04-1950 and 28-07-1984, partition deed dt.26-05-2004 and sale deed dt.12-03-2015 and pattadar pass books and title deeds were also issued to the petitioners and their predecessor in title which show that it is their private property. They therefore contend that the inclusion of the subject land in the prohibitory list is arbitrary, illegal and violative of Articles 14 and 300-A of the Constitution of India.

3. On 13-12-2017, this Court directed the learned Government Pleader for Assignment to produce the deed of assignment since at that time it was contended that the land is assigned land.

4. Though counter affidavit is filed, the deed of assignment in respect of the subject land is not produced. Admittedly in the

prohibitory list communicated by 3rd respondent to the registration authorities, the land in Sy. Nos.291/1, 291/2 and 291/5 is shown as assigned land. But in the absence of production of deed of assignment by the respondents, it has to be held that the categorization of the said land as an assigned land is not *bona fide*.

5. A plea is also taken in the counter affidavit that the land was originally tank *poram boke* land, but RSR itself indicates that the land in Sy. No.291/1 was reclassified as Ayan (Assessed Waste Land) in 1928 and was sub divided into sub divisions 1 to 6. Since the title of the petitioners and their predecessors to the subject property is established from 1950 onwards, for more than 67 years, it cannot be said that the subject land is Government land.

6. Therefore, the Writ Petition is allowed with costs of Rs.2,000/- (Rupees Two Thousand only) to be paid by 1st respondent to the petitioners. The 3rd respondent is directed to delete the subject land from the list of properties communicated by him under Section 22-A of the Registration Act, 1908 to the registration authorities forthwith.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 28-12-2017

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