

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.39254 of 2017

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Assignment (Andhra Pradesh) appearing for the respondents.

Petitioner No.1-society presented a document for registration before respondent No.3, who refused to register it through the impugned order dt 28.10.2017 on the ground that the said land was included in the Prohibited list communicated by respondent No.2 under Section-22-A(1)(a) of the Registration Act, 1908 (for short 'the Act'). The said provision empowers the State to prohibit registration of documents relating to transfer of immovable property, the alienation or transfer of which is prohibited under any statute of the State or Central Government.

In the instant case, the subject land was admittedly allotted to petitioner No.1-society and the alienation is by the society to its members. Therefore, it does not fall within the category of documents relating to transfer of immovable property whose alienation is prohibited under any statute of the State Government. That apart, the reason given in the impugned order is that there were certain irregular

allotments of house sites by petitioner No.1-society. Even if it is true, once there is an assignment in favour of petitioner No.1-society, that is not a ground to include the subject land in the list of prohibited lands invoking Section-22-A of the Act. Therefore, the inclusion of the subject land in the list of prohibited lands, communicated by respondent No.2 under Section-22-A(1)(a) of the Act, is not *bona fide* and the refusal of respondent No.3 to register the said document, on the basis of the communication of respondent No.2, is not valid in law.

Accordingly, the Writ Petition is allowed; the order, dated 28.10.2017, of respondent No.3 is set aside; the communication, vide Rc.No.3795/07/E1 dt 17.5.2017 of respondent No.2 to respondent No.3 and the consequent memo No.G1/4753/2017 dt 01.6.2017 of the Director and Inspector General of Registration and Stamps, Hyderabad, Andhra Pradesh, are set aside; and respondent No.3 is directed to register the document relating to the subject land within three weeks from the date of submission of the said document by the petitioners without reference to the above orders/proceedings. Respondent No.2 shall also pay costs of Rs.3,000/- (Rupees Three thousand only) to the petitioners within four weeks from today.

As a sequel, Miscellaneous Petitions, if any, pending, shall stand disposed of as infructuous.

JUSTICE M.S.RAMACHANDRA RAO

30th November, 2017
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