

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.39553 of 2017

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for Revenue appearing for respondents.

2. Petitioner has filed this Writ Petition assailing the action of Sub-Registrar, Madanapalle in refusing to register pending sale deeds and returning them in respect of plot Nos.512/4 of B.K.Palle village, Chittoor District.

3. The Joint Sub-Registrar, Madanapalle on behalf of 5th respondent has filed a counter-affidavit stating that the subject land has been assigned prior to 1954. Copy of the list issued to the Registration Department officials by the Revenue Department officials is annexed in the material papers.

4. It is not in dispute that in the assignment made prior to 1954, there is no condition prohibiting alienation and such a condition came to be introduced for the first time vide G.O.Ms.No.1142 dt.18-06-1954.

5. This legal position is not disputed by the learned Government Pleader for Assignment.

6. Once lands are assigned without a condition prohibiting alienation, the 2nd respondent cannot instruct respondent Nos.4 and 5 not to register the said documents by issuing any notification under Section 22-A of the Registration Act, 1908 and on the basis of the same, respondent Nos.4 and 5 cannot refuse to register the documents presented by petitioner in respect of the subject land.

7. Accordingly, the Writ Petition is allowed with costs of Rs.2,000/- (Rupees Two Thousand only) to be paid to the petitioner by 1st respondent within four (04) weeks; the 2nd respondent is directed to delete the subject land from the list of properties notified by him under Section 22-A of the said Act to respondent Nos.4 and 5; and petitioner shall present the documents which require registration before the 5th respondent and the 5th respondent shall receive and register the same in accordance with the provisions of Registration Act, 1908 and Stamp Act, 1899 within four (04) weeks of the submission of documents by petitioner.

8. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 20-12-2017

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