

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.41824 of 2017

ORDER:

Heard the learned counsel for the petitioners, learned Government Pleader for Assignment, appearing for the respondent Nos.1, 2 and 4 to 9 and Sri Nimmagadda Venkateswarlu, learned Standing Counsel for respondent Nos.3 and 10.

2. Petitioners have questioned the action of 7th respondent in including subject land in Sy.No.138 of Purushothapatnam village, Chilakaluripet Mandal, Guntur District in the list of prohibitory properties notified under Section 22A of the Registration Act, 1908 by 7th respondent and communicated to respondent Nos.5 and 6.

3. Petitioners contend that petitioner Nos.2 and 3 and the husband of 1st petitioner were employees of the Chilakaluripet Municipality; that quarters were constructed therein for use by the said persons and under G.O.Ms.No.29, Housing (H.B-I) Department dt.18-03-1998, G.O.Ms.No.19 Housing (H.B-I) Department dt.12-02-1999 and G.O.Ms.No.599, Municipal Administration and Urban Development Department dt.08-10-2009; the Government permitted 10th respondent to sell the said quarters on hire purchase basis to the petitioners; that pursuant thereto, sale deeds have also been executed in their favour by 10th respondent; and shockingly 7th respondent had included the said properties in the prohibited list

communicated by him to 6th respondent under Section 22-A of the Registration Act, 1908.

4. Learned Government Pleader for Assignment appearing for respondent Nos.1 and 4 to 9 and Sri Nimmagadda Venkateswarlu, learned Standing Counsel for 10th respondent do not dispute the facts stated above and are unable to give any valid reason how the subject land came to be included in the prohibitory list.

5. Having regard to the facts stated by the petitioners which are also supported by G.Os. mentioned in para-3 supra as well as sale deeds executed in their favour by 10th respondent, it is clear that without application of mind, the 7th respondent had included the subject properties in the list of prohibited properties communicated by him to respondent Nos.5 and 6. Such act of 7th respondent is not *bona fide*.

6. Therefore, the Writ Petition is allowed with costs of Rs.3,000/- (Rupees Three Thousand only) to be paid by 7th respondent to each of the petitioners within four weeks from the date of receipt of a copy of this order; the 7th respondent is directed to forthwith delete the subject properties from the prohibitory list communicated by him to respondent Nos.5 and 6; the 6th respondent is directed to receive the documents presented by the petitioners for the purpose of registration; and register the same strictly in accordance with the provisions of the Registration Act, 1908 and the Indian Stamp Act, 1899 without

reference to the said prohibitory list communicated to him by 7th respondent, within four weeks from the date of presentation of the documents by the petitioners.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 15-12-2017
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