

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

Writ Appeal No.1983 of 2017

JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The ad-interim order passed by the Learned Single Judge is on the premise that alienation of the subject property is not prohibited under any statute of the State or Central Government as required under clause (a) of sub-section (1) of Section 22(A) of the Registration Act, 1908 (for short the "Act"); and that the matter was contested right upto the Supreme Court all of which were dismissed. The Learned Single Judge observed that issuance of the notification is in contempt of the order passed by the Division Bench of this Court, and of the Supreme Court, since the respondents were purportedly sitting in appeal over the said decision. This order was passed at the stage of admission, without the respondents herein being given an opportunity of being heard.

Learned Government Pleader for Revenue, appearing for the appellants, would submit that the notification issued on 23.12.2015 is under Section 22(A)(1)(b) of the Act as the subject lands are immovable properties owned by the State Government; and it is Section 22(A)(1)(b) which is attracted and not Section 22(A)(1)(a) of the Act.

While it would be wholly inappropriate for us to express any opinion on the merits of the submission of the Learned Government Pleader for Revenue, the fact remains that the interim relief, which has the effect of granting the final relief in the Writ petition, was granted without giving the appellants an opportunity of being heard. We consider it appropriate, therefore, to set aside the order under

appeal, and restore the WPMP to file. The appellants shall file their counter-affidavit, in the Writ Petition, within three weeks from today. It is open to the Learned Counsel for the respondent-writ petitioner to request the Learned Single Judge to take up the WPMP after three weeks.

The Writ Appeal is, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

GUDISEVA SHYAM PRASAD, J.

Date: 26th December, 2017.
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