

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.40315 of 2017

ORDER:

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

2. Petitioners have filed this Writ Petition assailing the proceedings dt.27-05-2017 of 3rd respondent including the subject land in Sy. No.126/6 of Pendurthy village, Visakhapatnam District, in the list of properties prohibited for registration, communicated by him to respondent Nos.4 and 5.

3. Learned counsel for the petitioners contends that the subject land is private land, and is *zeroyiti*, and is not Government land and 7th respondent had himself addressed proceedings dt.25-04-2011 to the 3rd respondent to this effect and asked him to delete it from the Section 22A list of properties prohibited for registration and that vide proceedings R.C.No.109/2006/A dt.11-05-2006 as per BSO 34 (d), an extent of Ac.0.60 cts in Sy. No.126/6 of the said village, which is claimed by the petitioners, was altered as *zeroyiti* land from Government land in the revenue records and it was carried out in all the revenue records. He further contends that therefore the said land cannot be treated as Government land and prohibited for registration.

4. Though the Writ Petition was filed on 27-11-2017 and time was granted to the learned Government Pleader for Assignment to get instructions on 30-11-2017 and again on 12-12-2017, learned Government Pleader for Assignment reiterates that the subject land is Government land. He does not dispute the proceedings dt.25-04-2011 addressed by 7th respondent to 3rd respondent stating that the land had already been altered into *zeroyiti* land on 11-05-2016 and that he recommended to 3rd respondent to delete it from the list of properties prohibited for registration communicated by 3rd respondent under Section 22-A of the Registration Act, 1908. No other material is produced by the Government Pleader to take any different view.

5. Having regard to the proceedings dt.25-04-2011 of 7th respondent certifying that the land had been classified as *zeroyiti* land on 11-05-2016 itself, stating that and it was wrongly included in the list of prohibited properties communicated under Section 22-A of the Registration Act, 1908, the stand of the respondents that the land is Government land, cannot be countenanced.

6. Accordingly, the Writ Petition is allowed; the proceedings dt.27-05-2017 of 3rd respondent including the subject land in the list of properties prohibited for registration under Section 22-A of the Registration Act, 1908 and communicated to respondent Nos.4 and 5 is declared to be illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India; the 3rd respondent is directed to forthwith delete the subject land from such list; and 5th

respondent is directed to receive the documents presented by the petitioners for the purpose of registration without reference to such prohibitory list communicated to him by 3rd respondent and to register the same strictly in accordance with the Registration Act, 1908 and the Indian Stamp Act, 1899, within four weeks of presentation of documents by the petitioners. The 1st respondent shall also pay costs of Rs.2,000/- (Rupees Two Thousand only) to the petitioners.

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

Date: 22-12-2017
kvr

JUSTICE M.S.RAMACHANDRA RAO

