

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

**W.P.No.40007 of 2017**

**ORDER:**

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

2. Petitioner has assailed in this Writ Petition, Refusal Order No.15/2016 dt.17-11-2016 of 2<sup>nd</sup> respondent refusing to register a sale deed presented by petitioners for registration claiming that the subject land is wakf land.

3. Learned counsel for petitioner denies this and states that it is patta land and has been so far a long time.

4. Though time has been sought on 27-11-2017 and 12-12-2017 to obtain instructions, learned Government Pleader for Assignment has not obtained any instructions to show that the subject land is notified as wakf land in any gazette notification issued under the Wakf Act, 1954 or the Wakf Act, 1995. Also, the proceedings dt.17-11-2016, issued by 3<sup>rd</sup> respondent refusing to register the document presented by the petitioners, makes reference to proceedings dt.17-01-2012 passed by the District Collector, which proceeding is, in fact, not issued under Section 22A of the Registration Act, 1908 giving list of wakf properties, but is a proceeding requesting the Wakf Department to give list of properties.

5. Therefore, it is clear that 3<sup>rd</sup> respondent has acted in a *mala fide* manner in treating the property as a wakf property without there being any notification by anybody that it is wakf property.

6. Accordingly, the Writ Petition is allowed; the 3<sup>rd</sup> respondent shall register the documents presented by the petitioners under the provisions of the Registration Act, 2008 and the Indian Stamp Act, 1899 forthwith; he shall also pay costs of Rs.2,000/- (Rupees Two Thousand only) to the petitioners; and the 1<sup>st</sup> respondent shall initiate disciplinary action against 3<sup>rd</sup> respondent for his above *mala fide* action.

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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