

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

WRIT APPEAL No.1978 OF 2017

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

Heard the Learned Government Pleader for Assignment appearing on behalf of the appellants and Sri Sarang J. Afjul Purkar, Learned Counsel for the respondent and, with their consent, the Writ Appeal is disposed of at the stage of admission.

By the order under appeal in W.P. No.31653 of 2017 dated 23.11.2017, the Learned Single Judge directed the Registry to issue notice to the Sub-Registrar, the District Registrar, the Sub-Collector and the District Collector to show cause why proceedings shall not be initiated against them for non-implementation of the order in W.P. No.10773 of 1996 dated 18.08.1996 and the order in W.P. No.10035 of 2014 dated 20.11.2014. In addition, the Learned Single Judge granted interim direction as prayed for, which is to direct the second respondent to forthwith issue registration value and to duly register the subject land belonging to the petitioner in favour of third parties upon presentation.

Learned Government Pleader for Assignment would draw our attention, to the averments in paragraph 3 and 10 of the writ affidavit, to submit that both the orders in W.P. No.10773 of 1996 dated 18.08.1996, and W.P. No.10035 of 2014 dated 20.11.2014, have been, admittedly, implemented. In paragraph 3 of the writ affidavit the petitioner has stated that the order of the Joint Collector was set aside in W.P. No.10773 of 1996; he was directed to implement the order of the Assistant Settlement Officer, Nellore; and, accordingly, the same

was implemented in the village records. It is evident, on the petitioners own showing, that the order in W.P. No.10773 of 1996 has been implemented. Likewise after referring to the interim order passed in W.P. No.10035 of 2014, the petitioner has stated, in paragraph 11 of the writ affidavit, that, pursuant to the said interim order, the Joint Sub-Registrar and the District Registrar had registered the said property in the petitioners name vide registered sale deed dated 19.04.2015. It is clear, therefore, that the order in WP No.10035 of 2014 has also been implemented.

The interim relief sought for, in the present Writ Petition, is to direct the Sub-Registrar, Venkatagiri to issue registration value and to duly register the subject land. The main relief sought for in the Writ Petition is to declare the action of the Sub-Collector, Guduru, in including these lands in Sy. No.227/10 admeasuring Ac.0.48 cts in Venkatagiri village and Mandal of SPSR Nellore District, in the prohibitory order list dated 05.07.2016, as arbitrary and illegal. As long as the subject properties are included in the prohibitory order list, they cannot be registered under Section 22-A of the Registration Act. It is only if the main relief, sought for in the Writ Petition, were to be granted, and the subject lands are deleted from the prohibitory order list, can the Sub-Registrar be directed to register the subject lands. The ad-interim order, passed even without giving the appellants an opportunity of being heard, goes even beyond the relief sought for in the Writ Petition. We consider it appropriate, therefore, to set aside the order under appeal.

Learned Government Pleader for Assignment appearing on behalf of the appellants, would submit that a counter-affidavit would be filed within three weeks from today. It is open to the respondent-writ

petitioners to request the Learned Single Judge to take up the Writ Petition for admission, and for grant of interim relief, any day after three weeks from today.

The Writ Appeal is disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

GUDISEVA SHYAM PRASAD, J

Date: 26.12.2017

MRKR

