

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.42976 of 2017

ORDER :

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

2. The petitioners have assailed in this Writ Petition proceedings dt. .12.2015 issued by the District Collector, Chittoor under Section 22-A of the Registration Act, 1908 prohibiting the subject lands from being registered on the ground that there is a *Kalava*, i.e., tank in the subject land.

3. The petitioners' counsel placed reliance on the order dt.17.07.1968 in WP.No.993 of 1996 and 1326 of 1966 in respect of the subject land wherein it was held that pattas were already granted for the subject land and also recommendation dt.13.03.2005 of the 4th respondent to the 2nd respondent that there is no *Kalava* in the subject land. These facts are not disputed by the learned Government Pleader for Assignment, appearing for respondents.

4. It is also not in dispute that petitioners have been given title deeds under the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971.

5. Though no counter-affidavit is filed, the learned Government Pleader for Assignment agreed for final disposal of the Writ Petition.

6. Since admittedly the subject land had been a patta land for a very long time, as recorded in the above referred documents, the 2nd respondent cannot include the subject land in the prohibitory list on the ground that in the fair adangals the land is classified as *Kalava*.

7. So, the action of the 2nd respondent in including the subject land in the list of properties prohibited for registration communicated by him to the registering authorities is declared as illegal and arbitrary and violative of Articles 14 and 300-A of the Constitution of India.

8. Accordingly, the impugned proceedings dt. .12.2015 issued by the District Collector, Chittoor under Section 22-A of the Registration Act, 1908 prohibiting the subject lands from being registered on the ground that there is a *Kalava*, i.e., tank in the subject land, is set aside. The Writ Petition is allowed. No order as to costs.

9. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27.12.2017

Ndr/*