

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

**W.P.Nos.41813, 41826 & 41833 of 2017**

**COMMOMN ORDER:**

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

2. In all these Writ Petitions, petitioners have purchased property, which was originally assigned land, in auction conducted by the District Cooperative Central Bank, Chittoor on various dates.

3. Petitioners contend that when they wished to alienate the property, 5<sup>th</sup> respondent had refused to register the documents stating that the subject land is originally assigned land.

4. Learned counsel for the petitioners contends that even assigned lands, which had been mortgaged to Cooperative Central Banks, can be sold by the said banks under the provisions of the A.P. Co-operative Societies Act, 1964, if there is a default in repaying the loan amount; the purchasers then become lawful owners of the land; that such land cannot be treated as assigned land; and the Sub Registrar concerned cannot refuse to register the land on the ground that it is assigned land. He placed reliance on the decision of the Division Bench of this Court in **The Sub Registrar and another Vs. K.Guravaiah, S/o.Chalamaiah and another**<sup>1</sup>.

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<sup>1</sup> 2009 (2) ALD 250

5. This legal principle is not disputed by the learned Government Pleader for Assignment.

6. Accordingly, all the Writ Petitions are allowed with costs of Rs.10,000/- (Rupees Ten Thousand only) to be paid by 2<sup>nd</sup> respondent to the petitioners for including the subject lands in the prohibitory list circulated by him to 5<sup>th</sup> respondent under Section 22-A of the Registration Act, 1908 in spite of the above legal position; the 2<sup>nd</sup> respondent is directed to forthwith delete the subject land from the list of properties prohibited for registration; and the 5<sup>th</sup> respondent is directed to register the documents presented by the respective petitioners strictly in accordance with the provisions of the Indian Stamp Act, 1899 and the Registration Act, 1908, within four weeks of the presentation of the document by the petitioners.

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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