

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

WRIT APPEAL No. 1923 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P.No.37502 of 2017 dated 8.12.2017. The official respondents in the Writ Petition are in appeal against the order of the learned Single Judge directing the District Collector, Chittoor to take immediate action to delete the 1st respondent-writ petitioner's land from the prohibitory list communicated by him under Section 22-A of the Registration Act, 1908 (for short 'the Act') to the Sub-Registrar, Punganur as recommended to him by the Sub-Registrar in his letter dated 21.11.2017. The learned Single Judge observed that, if the District Collector failed to do so, he should appear before the Court.

The order of the learned Single Judge does not stipulate any time frame, within which the District Collector was required to delete the 1st respondent-writ petitioner's land from the prohibitory list. The 1st respondent-writ petitioner has asserted in the writ affidavit, and has enclosed a copy of the Sale Certificate, to show that the subject property was purchased by the 1st respondent-writ petitioner's father in an auction conducted by the Cooperative Society on failure of the assignee to repay the loan amount; thereafter, the 1st respondent-writ petitioner's father filed O.S. No. 42 of 1991 before the Additional District Munsif, Punganur wherein the District Collector and the Mandal Revenue Officer, Punganur were arrayed as defendants; the Suit, in O.S. No. 42 of 1991, was decreed on 15.7.1997 holding that the plaintiff was a *bona fide* purchaser who participated in the public auction conducted by the District Cooperative Central Bank; and therefore the plaintiff was

entitled to possession of the suit schedule property. Thereafter, the 1st respondent-writ petitioner's father filed E.P. No. 127 of 1998 and, pursuant thereto, the subject property was delivered to him.

In the counter-affidavit filed by the District Collector, this fact is not disputed. It is, however, contended that, since these are matters which relate to a period more than three decades ago, the District Collector requires time to ascertain the genuineness of this and other documents.

While it is no doubt true that the Sale Certificate, and the decree in the suit were passed more than three decades ago, it must also not be lost sight of that pursuant to the decree, to which the District Collector was also a party and which has attained finality, the District Collector ought not to have included the subject property in the prohibitory list in the first place. *Prima facie*, we find no error in the order of the learned Single Judge necessitating interference in an *intra-Court* appeal, under Clause 15 of the Letters Patent. Since the learned Single Judge did not fix a time frame for the District Collector to delete the 1st respondent-writ petitioner's land from the prohibitory orders list, we consider it appropriate to direct him to do so on or before 15.1.2018, failing which he shall appear before the learned Single Judge, as directed in the order under appeal.

The Writ Appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

GUDISEVA SHYAM PRASAD, J

27th December, 2017
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