THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.2240, 2275, 2430, 3166, 3225, 3227 AND 3261 OF 2018

COMMON ORDER:

All these writ petitions are being disposed of by the common order as the plots are located in the same survey number and the grievance of the petitioners is common.

2. Inspite of granting ten days time to the learned Government Pleader, the learned Government Pleader did not get instructions and in those circumstances, these writ petitions are disposed of after hearing the learned counsel for the petitioners and the learned Government Pleader.

3. They state that they purchased individual plots and the plots are located in Survey No.55 of Kalwakurthy Town and Mandal, Nagarkurnool District, under registered sale deeds. Since the date of purchase of the plots, they have been in possession of the same. They obtained permission from Kalwakurthy Nagara Panchayat and constructed shops, buildings and other structures. They have been paying municipal taxes. The land in Survey No.55 is in an extent of Acres 10.06 guntas. The said land originally belonged to one Mennonite Brethren Property Association of India Private Limited, a Company registered under the Companies Act. The company wanted to sell the land and accordingly, divided the land into plots after obtaining approval for the lay out and sold the same to different individuals under different

registered sale deeds. The original purchasers executed subsequent sale deeds in favour of the subsequent purchasers. However, when the petitioners wanted to sell their plots of land, the 2nd respondent gave pending number and ultimately, passed an order on 27.12.2017 stating that in view of the A.P.State Minorities Commission letter dated 30.12.2013 communicated to the District Registrar, Mahabubnagar, dated 06.01.2014, the property is prohibited from alienation and accordingly, he is refusing. Challenging the said intimation of refusal, these writ petitions are filed.

4. A reading of the letter addressed to the District Registrat, Mahabubnagar, by the A.P.State Minorities Commission, Hyderabad, reads as follows:

> "The A.PState Minorities Commission has received a petition from the Governing Council of the Conference of the Mennonite Brethren Mission of India, Badepally, (Mahaboobnagar Dist), alleging illegal sale of properties at various places by Dr. P.B. Arnold, one of the Directors. The Commission after taking cognisance of the petition has admitted the same and issued notice to Dr. P.B. Arnold, M.B. Medical Centre Kavarampeta Village, Jadcherla Mandal Mahboobnagar, Dist., who is alleged to have sold away the properties of the Church. The matter was heard on 21.12.2013. When the remarks of the Director, Dr. P.B. Arnold were called for on 16.12.2013, he has not submitted his remarks. The Commission has therefore issued fresh notice to him and the matter will be coming up for hearing on 04.01.2014.
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> While so, the Members/petitioners of the Church have again submitted to the Commission

another detailed representation mentioning District-wise properties, part of which were sold away by Dr.P.B. Arnold, illegally and to stop Registrations of the rest of the Properties.

You are therefore required to direct the concerned Sub Registrars in your Jurisdiction not to register the aforesaid properties mentioned in the Survey numbers until the matter is finally disposed of by this Commission, in the interest of safeguarding properties of Christian Minority Community List of properties in your jurisdiction is attached for ready reference."

5. Certain guidelines were issued by the Government, for exercising power under Section 22A of the Registration Act, in circular memo dated 14.09.2007 and the guidelines are applicable to the properties covered by Section 22(1) (a) to (e) of the said Act.

6. A reading of the communication addressed by the A.P.State Minorities Commission to the District Registrar shows there are internal disputes among the office bearers of the Governing Council of the Conference of the Mennonite Brethren Property Association of India Private Limited, Badepally, Mahabubnagar District. None of the office bearers, who are aggrieved, took up any proceedings before a competent court, but, approached the A.P.State Minorities Commission, Hyderabad which issued the above letter on 30.12.2013 to the District Registrar. As per the guidelines, if the property belongs to any religious and charitable endowment or Wakf, it comes under Section 22A(1)(c) of the

Act. In respect of those properties, the Commissioner, Endowments, is competent to issue an intimation to the District Registrar and other officers in the proforma appended in Annexure – III to the guidelines. If it can be taken as a property, coming under clause 1(e) of Section 22A of the Act, an appropriate notification has to be issued by the State Government. There is no notification from the State Government in the present cases. In the circumstances, the 2nd respondent cannot act on the communication addressed by the A.P. State Minorities Commission to the District Registrar.

7. In view of the above, the impugned intimation of refusal in all these cases is set aside and the 2nd respondent is directed to register documents and release the same after registration, if there is no court order prohibiting such registration.

8. Accordingly, all the writ petitions are allowed. Miscellaneous petitions pending consideration, if any, in all the Writ Petitions shall stand closed in consequence. No order as to costs.

A.RAMALINGESWARA RAO, J

08.02.2018
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