

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 2258 of 2018

Order:

The petitioners state that they are the absolute owners and possessors of House bearing No.3-3-109/30/1, admeasuring 130 sq. yards, situated in Plot No.30/P (Northern portion), Survey Nos.185, 186, 188, 189 and 190 of Upparpally village, Ranga Reddy District, having purchased the same under a registered sale deed dated 12.01.2010. They also obtained permission for construction of residential building over the said plot from the Deputy Commissioner, Circle-6, Greater Hyderabad Municipal Corporation, vide proceedings dated 24.06.2008. When the petitioners intend to sell the said property to third parties and when they presented a document for registration, the fifth respondent refused to receive the same by stating that the said property was prohibited by the third respondent vide letter dated 21.01.2014. Challenging the same, the present Writ Petition is filed.

When the document is presented to the fifth respondent, the fifth respondent refused to receive the same on the ground that the third respondent issued a letter dated 21.01.2014 forwarding to the fifth respondent the list of immovable properties relating to the fifth respondent temple under Section 22-A(1)(c) of the Registration (AP Amendments) Act, 2007 (for short 'the Act'). As per the guidelines issued by the Government, if the property has to be included under Section 22-A(1)(c) of the Act, it has to be done by the Head of the Department, but not by any other authority, though the said authority may send the list to the Head of the Department for proper inclusion of the properties. In the instant case, there is no evidence to show that the Head of the

Department included the properties in the prohibited list, prohibiting them from registration under Section 22-A(1)(c) of the Act.

In the circumstances, this Writ Petition is disposed of directing the fifth respondent to consider the document submitted by the petitioners for registration in accordance with law. If there is any Gazette Notification or communication from the Head of the Department prohibiting the property from registration, he can pass an appropriate reasoned order indicating therein that the property is prohibited from registration under Section 22-A(1)(c) of the Act. Otherwise, if the document is found to be in order as per the provisions of the Registration Act, the fifth respondent has to take action in accordance with the provisions of the Registration Act. There shall be no order as to costs.

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

Date: 29.01.2018
Nsr

A. RAMALINGESWARA RAO, J

