

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.5217 of 2018

ORDER:

It is the case of the petitioners that they purchased the land of an extent of Ac.0.26 cents in Survey No.666/3 of Moolasagaram Village, Nandyal Mandal in Kurnool District for a valid sale consideration from one Smt.Razia Begum and Smt.Shakun. When the sale deed was presented before the second respondent for registration on 06.01.2018 by paying requisite fee and complying with the procedure contemplated under the provisions of the Registration Act, the second respondent initially gave the pending document No.31 of 2018 to the said document and passed an order on 09.01.2018 refusing to register the property on the basis of a letter issued by the Chief Executive Officer, A.P.State Waqf Board, on 26.05.2009. Challenging the same, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that the said list was not communicated as per the provisions of Section 22A(1) of the Registration Act and when this Court in **Vinjamuri Rajagopala Chary v. State of A.P**¹ examined the guidelines issued in that regard, another list was sent by the Chief Executive Officer, A.P.State Waqf Board, on 28.09.2016 specifically giving the details of the properties belonging to them. In the said list, the land in Survey No.666/3 of

¹ 2016 (1) ALT 550 (FB) : 2016 (2) ALD 236 (FB)

Moolasagaram Village was not included. Since the list communicated on 28.09.2016 is the only list in accordance with the guidelines, the Sub Registrar cannot refuse the registration of the document based on the earlier list dated 26.05.2009. He has to take into consideration the subsequent list communicated on 28.09.2016 by the Chief Executive Officer and if he still feels doubt, he can write a letter to the Chief Executive Officer of Waqf Board and get clarification. *Prima facie* he cannot refuse registration of the document on the basis of the communication dated 26.05.2009, which was not in accordance with Section 22A(1) of the Registration Act.

In the circumstances, the impugned order of refusal dated 09.01.2018 is set aside and the matter is remanded to the second respondent for consideration of the document already submitted by the petitioners for which pending document No.31 of 2018 was assigned and for passing appropriate orders in accordance with law.

The Writ Petition is, accordingly, allowed. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

19.02.2018
vs