

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

Writ Appeal Nos. 334 and 380 of 2018

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

Both these appeals, under Clause 15 of the Letters Patent, are preferred against the orders passed by the learned Single Judge in W.P. Nos.40738 and 40743 of 2017 dated 5.12.2017.

The respondents herein filed these Writ Petitions seeking a mandamus to declare the action of the State of Andhra Pradesh and the District Collector, Chittoor, in notifying the subject land under Section 22-A(1)(a) of the Registration Act, and the further action of the Joint Sub-Registrar, Madanapalle in keeping the documents, presented by the respondent-writ petitioners, pending without registration, as illegal and arbitrary.

While the Writ Petitions were filed on 30.11.2017, the orders under appeal came to be passed on 5.12.2017, less than five days after the Writ Petition was filed. In the orders under appeal, the learned Single Judge relied on an earlier order, passed in W.P. No. 23273 of 2011 dated 2.3.2012, to hold that the subject land is not prohibited from alienation. The Writ Petitions were allowed declaring the action of respondents 1 and 2 therein in notifying the land under Section 22-A of the Registration Act, 1908 (hereinafter referred to as "the Act"), and the action of the Joint Sub-Registrar in keeping the documents pending before him without registration, as illegal. The Joint Sub-Registrar was directed to register the documents without reference to the list

communicated by the District Collector, Chittoor, and to release the same. The State of Andhra Pradesh was directed to pay costs to the respondent-writ petitioners for wrongful inclusion of the land in the list.

The aforesaid orders were passed and the Writ petitions were allowed at the stage of admission, even without giving the appellants herein (respondents in the Writ Petitions) an opportunity of filing their counter-affidavit. On this short ground, the orders under appeal must be, and are accordingly, set aside. W.P. Nos. 40738 and 40743 of 2017 are restored to file. The appellants herein shall file their counter-affidavit within three weeks from today. It is open to Sri P. Ganga Rami Reddy, learned counsel for the respondent-writ petitioners, to request the learned Single Judge to take up the WPMPs, for grant of interim relief, any day after three weeks.

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

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

5th March, 2018

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Date: 5.3.2018

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