

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

Writ Appeal No.347 of 2018

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

Heard the learned Government Pleader for Revenue (Assignment), appearing on behalf of the appellants, and Sri M.S.P.Kamaraju, learned counsel for the respondents-writ petitioners and, with their consent, the Writ Appeal is disposed of at the stage of admission. This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.M.P.No.51082 of 2017 in W.P.No.41159 of 2017 dated 18.12.2017. The appellants herein are the respondents in W.P.No.41159 of 2017. The respondents herein filed the said writ petition seeking a mandamus to declare the action of the appellants herein (respondents in the writ petition), in including their lands in the list of prohibited properties in the official website and in refusing to entertain any registration in this regard, as illegal, arbitrary and violative of principles of natural justice. A consequential direction was sought to the appellants herein (respondents in the writ petition) to delete the respondents-writ petitioners' lands from the list of prohibited properties, and to direct them to entertain registration. By way of interim relief, the respondents-writ petitioners sought directions to the appellants herein (respondents in the writ petition) to take all steps for deleting their lands from the list of prohibited properties.

In the order under appeal, the Learned Single Judge directed the Sub-Registrar, Pullampet, YSR Kadapa District to accept the document submitted by the respondents-writ petitioners, for the purpose of registration, and register the same strictly in accordance with the provisions of the Registration Act, 1908 and the Indian Stamp Act, 1899, without reference to the prohibitory list communicated to him by

the District Collector, YSR Kadapa District under Section 22-A of the Registration Act, 1908, within four weeks from the date of presentation of the document; however, such registration shall be subject the result of the writ petition.

While the writ petition is dated 04.12.2017, and could only have been filed thereafter, the interim order under appeal came to be passed around two weeks thereafter on 18.12.2017. The interim order under appeal was passed, even though no such interim relief was sought by the respondents-writ petitioners. Further the interim relief granted by the Learned Single Judge, in effect, amounts to allowing the writ petition itself.

Lands, included in the list of prohibited properties under Section 22-A(1) of the Registration Act, are prohibited from registration. The fact that the subject lands are included in the list of prohibited properties is not in dispute. It is only if the final relief, of excluding these lands from the list of prohibited properties, is granted, could the registration authority have been directed, thereafter, to register the subject properties. As noted hereinabove, the respondents-writ petitioners did not even seek the interim relief to direct registration of the documents alienating the subject lands. They only sought an interim direction that these lands be deleted from the list of prohibited properties. As the interim relief granted by the Learned Single Judge also has the effect of allowing the writ petition itself, such an order could not have been passed without giving the appellants herein (the respondents in the writ petition) a reasonable opportunity of being heard.

On this short ground, the order under appeal is set aside and W.P.M.P.No.51082 of 2017 in W.P.No.41159 of 2017 is restored to file. The appellants herein shall file their counter-affidavit, in the writ

petition, within three (3) weeks from today. It is open to Sri M.S.P.Kamaraju, learned counsel for the respondents-writ petitioners, to request the Learned Single Judge to take up the WPMP for hearing any day after three weeks.

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)

(KONGARA VIJAYA LAKSHMI, J)

15th March, 2018
JSU



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Date: 15.03.2018

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