

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.5940 of 2018

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for the respondents.

It is the case of the petitioners that when they wanted to sell a part of their land in Survey No.963/3 of Palamaner Village and Mandal, Chittoor District, and approached the Sub Registrar in the year 2013, their documents were rejected based on the letter dated 12.10.2012 issued by the Waqf Board notifying the said land as waqf property. Challenging the same, the petitioners filed W.P.No.12412 of 2013, which was allowed on 18.07.2013 declaring that the subject land was not notified as Waqf property under Section 5(2) of the Waqf Act and hence registration could not be refused. Now the petitioners allege that when they wanted to sell their land of an extent of Ac.1.87 cents in Survey No.963/3 and approached the Sub Registrar, they were informed that the Waqf Board addressed similar letter on 21.11.2016 communicating the list of waqf institutions and attached properties in the proforma under Section 22A(1)(c) of the Registration Act pertaining to Chittoor District to prevent registration of waqf properties in the district. Based on the same, the Sub Registrar is not accepting the documents in respect of the property in Survey No.963/3. Challenging the same the present Writ Petition is filed.

Learned Counsel for the petitioners submits that as per the order of this Court in W.P.No.12412 of 2013, the property in Survey No.963 was never notified under Section 5(2) of the Waqf Act and hence it cannot be included in the list under Section 22A of the Registration Act, and it is not open to the A.P.Waqf Board to once

again write the letter dated 21.11.2016 requesting the Sub Registrar not to entertain the registrations in respect of the subject land. He further submits that the petitioners have already addressed a letter on 10.08.2017 to the sixth respondent for deletion of the subject land from the list, but there is no response from them. Hence, the petitioners seek a direction to the fifth respondent to receive and register the documents that may be presented by the petitioners in respect of the subject land without being influenced by the letter of the sixth respondent dated 21.11.2016.

This Court in **Vinjamuri Rajagopala Chary v. State of A.P**¹ gave an opportunity to the aggrieved person whose properties were included in the list of prohibitory properties to make an application to the competent authority, and in the present case it appears that the petitioners already addressed a letter on 10.08.2017 to the sixth respondent for deletion of the subject land from the list.

In view of the above, the sixth respondent is directed to consider the letter of the petitioners dated 10.08.2017 and pass appropriate orders thereon in accordance with law, within a period of three months from the date of receipt of a copy of this order.

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

(A.RAMALINGESWARA RAO, J)

22.02.2018
vs

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