

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.8935 OF 2018

DATED :19.03.2018

Between :

Dasari Karthik S/o.Late Venkata Narayana Varaprasad,
Age about 28 yrs, R/o.H.No.886, Pragathi Nagar,
Kukatpally, Hyderabad, Telangana State 500 090
.. Petitioner

And

The State of Andhra Pradesh,
Rep., by its Secretary, Revenue Department,
Velagapudi, Amaravati
Guntur District & others.

.. Respondents



This court made the following :

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ORDER :

Petitioner claims that he purchased 484 Square yards forming part of R.S.No.139/3, G.Konduru Mandal, H.Muthyalampadu Village Panchayat limits, H.Muthyalampadu, Krishna District, on 21.03.2006 by way of registered sale deed. On 30.09.2014 he entered into an agreement of sale to sell the property. At that stage, as the Sub-Registrar was not entertaining the deed of conveyance he filed W.P.No.5793 of 2018. Consequent to the direction of this Court, when the deed of conveyance was presented by the petitioner, he was served with intimation of refusal dated 01.03.2018 by the Sub-Registrar refusing to register the document on the ground that the subject land is classified as Wakf land. On further enquiries petitioner came to know that the subject land is notified as the prohibited property under Section 22-A (1) (c) of the Indian Registration Act (for short 'the Act').

2. Learned counsel for the petitioner does not deny that the subject land is gazetted as wakf property. However, he sought to contend that the extent of land mentioned in the Gazettee does not reflect land claimed by the petitioner.

3. *Prima-facie*, as fairly submitted by learned counsel for the petitioner the land in Sy.No.139 of G.Konduru Mandal, H.Muthyalampadu Village is classified as wakf land. If petitioner disputes status of land as wakf land, he can avail the remedy available under Section 83 of the Wakf Act, before the Wakf Tribunal or civil law remedy.

4. Further, no material is placed on record to show that the subject land is classified as private patta land and not part of the wakf land. It is not shown as to when the land was converted to non-agricultural purpose and by whom such conversion is made. In the absence of these material particulars, the Court is not inclined to accept the contention of the petitioner that Wakf Board is trying to interfere with the possession and enjoyment of the land.

5. No proceeding of the Wakf Board is under challenge. He has also not challenged the intimation given to him refusing to register nor the information furnished showing that the property is included in the prohibited list. It is also appropriate to note that as per the Full Bench judgment of this Court in “***Vinjamuri Rajagopala Chary Vs State of Andhra Pradesh***¹”, if any person disputes inclusion of property in the prohibited list, he has to avail appropriate remedy as envisaged under the Act and as held by the Full Bench. Therefore, the Court is not inclined to entertain the writ petition.

6. The Writ Petition is accordingly, dismissed, leaving it open to the petitioner to work out his remedies as available in law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

19th March, 2018
Rds

P.NAVEEN RAO,J

¹ 2016 (1) ALT (550) (F.B)