

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10397 OF 2018

DATED :29.03.2018

Between :

Kandimalla Lakshmi Sowjanya, W/o.Surya Krishna Rao,
Aged about 35 yrs, R/o.H.No.11-90,
Subbarao Thota, St. Anns Degree College,
Sivaraopeta, Eluru Mandal, West Godavari District.

.. Petitioner

And

The State of Andhra Pradesh,
Rep., by Principal Secretary,
Stamps and Registration Department,
Velagapudi, Guntur District & others.

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Government pleader.

2. Petitioner alleges that he purchased land to an extent of Ac.2.50 cents in Sy.No.54/2A of Vadlapatlanuthanam Village, Kamavarapukota Mandal, West Godavari District, in a sale conducted by the District Co-operative Central Bank, Eluru, to recover the loan amount advanced to the assignee. Since purchase was made through open auction conducted by the bank, the earlier tag of assignment land with prohibition of alienation does not survive and petitioner is entitled to alienate the land. However, when petitioner ascertained regarding valuation and the stamp duty, petitioner was informed that the said property is included in the prohibited list.

3. Learned counsel for the petitioner sought to contend that as the property was purchased in the sale conducted by the District Co-operative Central Bank, inclusion of property in the prohibited list of properties is not valid.

4. Though what is contended by learned counsel for the petitioner may be true, but the issue of inclusion of property in the list of prohibited properties under Section 22-A of the Indian Registration Act, was considered by the Full Bench of this Court in **“Vinjamuri Rajagopala Chary Vs State of Andhra Pradesh¹”,** and observed that if a person is aggrieved by inclusion of property in the prohibited list of properties, he has to apply to the

¹ 2016 (1) ALT (550) (F.B)

competent authority for deletion of the property from the list of prohibited properties and unless and until it is deleted from the prohibited properties list, registering authority cannot be mandated to undertake registration.

5. Having regard to this proposition of law, learned counsel for the petitioner seeks leave of the Court to submit application to the District Collector to delete the subject property from the list of prohibited properties.

6. Granting the said liberty, the Writ Petition is disposed of. It is needless to observe that as and when the application is made by the petitioner, the District Collector, shall consider the same in accordance with law. There shall be no order as to costs.

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

29th March, 2018
Rds

P.NAVEEN RAO,J

