

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.31304 OF 2018

ORDER:

The present writ petition came to be filed seeking to declare the action of the 3rd respondent in continuing the lands of the petitioners admeasuring Ac.4.00 cents and Ac.5.00 cents, situated at Sy.No.36-1, Ac.2.81 cents, Ac.2.82 cents and Ac.0.91 cents situated at Sy.No.37-2 of Kotnuru Revenue Village, Hindupuram Mandal, Ananthapuramu District, in the prohibitory list as illegal and arbitrary.

The grievance of the petitioners is that they are the lawful owners and possessors of the subject lands having purchased the same through different sale deeds and have been in possession and enjoyment of the same by paying all the taxes to the concerned departments. While things stood thus, due to personal necessities, the petitioners with a view to alienate the subject property, approached the 3rd respondent to know the registration value of the subject land, for which the 3rd respondent issued the market value certificate dated 12.4.2018, stating that the subject property is in the prohibited property register and accordingly furnished a copy of the same. Thereafter, the petitioners brought to the notice of the 3rd respondent the proceedings dated 6.6.2009, issued by the 5th respondent-Sub Collector, stating that the subject lands were assigned prior to 1930 i.e prior to issuance of G.O.Ms.No.2257, dated 22.12.1932, and as per the said G.O, restriction on alienation of Government assigned lands is effective from 22.12.1932, and recommended the 3rd respondent to register the subject lands. But, the 3rd respondent, without considering the same continuing the subject lands in the prohibitory list. Challenging the same, the present writ petition, came to be filed.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 3rd respondent-Joint Sub Registrar,

to receive the documents for registration, if they are in accordance with the law. If the 3rd respondent-Joint Sub Registrar, is not intending to register the documents presented by the petitioners for registration, the 3rd respondent-Joint Sub Registrar, shall return the same assigning reasons, as early as possible, preferably within a period of two to four weeks from the date of receipt of copy of this order, by giving reasonable opportunity of hearing to the petitioner and all concerned.

With the above direction, the writ petition is disposed of. No order as to costs. As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand closed.

Dated:31.08.2018.
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C. PRAVEEN KUMAR, J



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Date:31.08.2018

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