

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No. 2171 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed to declare the action of the Joint Sub-Registrar, Markapur, Prakasam District i.e., 7th respondent, in refusing to entertain the registration of conveyance of the land admeasuring Ac.20.26 cents situated in Sy. Nos. 12/B1/12/B2, 13, 103/1A of Thokapalli Village, Peddaraveedu Mandal, Prakasam District, on the ground that he had no instructions from the Commissioner and Inspector General of Stamps and Registration, Hyderabad, the 2nd respondent herein, as arbitrary and illegal and violative of the fundamental rights guaranteed under Articles 14,19 and 21 of the Constitution of India.

The petitioner presented a Sale Deed before respondent No.7 for registration of the sale deed, but he refused to register the same on the ground that he had no instructions from the Commissioner and Inspector General of Stamps and Registration since land proposed to be conveyed is notified under Section 22-A of the Registration Act. It is specifically contended that his mother-Nune Gangamma and his mother-in-law—Dada Venkata Lakshmi, his wife—Nune Aruna and the petitioner purchased the land mentioned above for valuable consideration and since then they are in peaceful possession and enjoyment of the property. The land, though assigned, grant is not subject to any condition. Therefore, refusal to register the document presented for registration is illegal. It is brought to the notice of this Court that there was lot of correspondence between the Tasildhar and the District Collector and No Objection Certificate was issued by Tahsildar, Peddaraveedu on 10.01.2013 for registration of the lands and thereafter, the Collector addressed a Letter Dt. 03.07.2015 to the District Registrar, Prakasam

District, directing to take appropriate action on the application for deletion of lands in the prohibited list maintained under Section 22-A of Registration Act. The District Registrar, Markapur, addressed a Letter dt. 06.08.2015 informing that as per the Orders of this Court in Writ Petition No. 8147 of 2011, revenue authorities may issue notification denotifying survey number in the subject matter through the Commissioner and Inspector of General of Stamps and Registration, Hyderabad, in view of the Circular issued by Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh, Hyderabad, dt. 23.07.2013, to enable the office to give permission for deletion of the above survey number from the prohibited property list of Thokapalli Village. Thereafter, no steps have been taken till today to delete the property from prohibited list maintained under Section 22-A of the Registration Act.

Learned counsel for the petitioner while contending that the property is to be deleted from the list of prohibited property under Section 22-A of Registration Act, a similar question came up before this Court in *M. Ramakrishna and another v State of Andhra Pradesh and others*¹, where the question came up before consideration was that the property was notified under Section 22-A of the Registration Act and sought for a relief to delete the property from the list of prohibited property maintained under Section 22-A. In such situation, based on the facts and circumstances of the case, this Court issued a direction in para no.22-B directing the respondent Nos. 2 to 4 therein to issue appropriate communication deleting the subject matter of Writ Petition from the prohibited list maintained under Section 22-A of the Registration Act within a period of six weeks from the date of receipt of a copy of the order and if a document is presented by the petitioner for registration or transfer of the subject matter of the writ petitions, respondent No.5 is directed to

¹ 2017(1) ALD 545

consider the document in accordance with the provisions of the Act and the Indian Stamp Act, 1899 without reference to communication or notification received under Section 22-A of the Registration Act.

Taking advantage of this direction, the petitioner requested this Court to issue a similar direction, but such direction cannot be issued in the present Writ Petition in view of the limited prayer of this petitioner to declare the inaction of the respondent No.7-Joint Sub Registrar, in refusing to entertain registration of sale deed in respect of the land admeasuring Ac.20.26 cents situated in Sy.Nos.12/B1, 12/B2, 13, 103/1A of Thokapalli village, Peddaraveedu Mandal, Prakasam District, is illegal and arbitrary. If such relief is claimed, this Court can issue such direction subject to Clause 6 of Section 22-A of the Act. In similar situation and according to Clause 6 of the Act, the property covered under Clause (e) of Section 22-A shall be notified in the official gazette of the State Governments and shall be forwarded, along with the list of property and a copy of the relevant notification/gazette to the concerned registering authorities under the provisions of Registration Act and shall also place the said notification/gazette on the aforementioned websites of both the State Governments. The Registering Authorities shall make available a copy of the Notification/Gazette on an application made by an aggrieved party.

By exercising power under Clause (x) of Section 22-A of the Act, the redressal mechanism under Section 22-A (4) shall be before the Committees to be constituted by respective State Governments as directed in paragraph 35.1. In view of the directions of the full bench judgment of this Court in *Vinjamuri Rajagopala Chary and others v State of Andhra Pradesh rep. by Principal Secretary, Revenue Department*,

*Hyderabad and others*², the remedy available to this petitioner is to approach the committee, if any, constituted in terms of the full bench Judgment of this Court, but this Court cannot exercise the power of the committee and delete the property from the prohibited list maintained under Section 22-A of the Act. Therefore, leaving it open to the petitioner to approach the concerned authorities in terms of the full bench judgment of this Court or as per procedure if the guidelines of full bench are not applicable. Consequently, this Writ Petition is liable to be dismissed as it devoid of merits.

Accordingly, this Writ Petition is disposed of.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Date: 18-04-2018
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M. SATYANARAYANA MURTHY, J

² 2016(1) ALT 550 (FB)

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No.2171 of 2016

Dt. 18-04-2018



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