In the High Court of Judicature at Hyderabad

for the State of Telangana and the State of Andhra Pradesh

WRIT PETITION No.39632 of 2018

C.Srisailam.

… Petitioner

and

State of Andhra Pradesh and others.

…Respondents

Date of Judgment Pronounced: 05-11-2018
Submitted for Approval:

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

1. **Whether Reporters of Local newspapers may be allowed to see the judgments?** **Yes/No**

2. **Whether the copies of judgment may be marked to Law Reporters/Journals?** **Yes/No**

3. **Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment ?** **Yes/No**

CHALLA KODANDA RAM,J

* THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

+ WRIT PETITION No.39632 of 2018

% Dated 05.11.2018

Between:

C.Srisailam.

… Petitioner

and

State of Andhra Pradesh and others.

…Respondents

! Counsel for the petitioner : Sri G.L.Nageswar Rao

^ Counsel for respondents : G.P. for Stamps & Registration

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? Cases cited:

FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH HIGH COURT OF JUDICATURE AT HYDERABAD सत्यमेव जयते

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.39632 of 2018

O R D E R:

Petitioner states that he intends to purchase land admeasuring Ac.0.91 cents in Survey No.40-2 of Yerraguntlapalle Village, Pileru Mandal, Chittoor District and submitted a document before respondent No.3-Sub-Registrar, Pileru, Chittoor District for registration, however, the document was not released on the ground that the subject land is in the prohibitory list notified under Section 22-A of the Registration Act, 1908 (for short 'the Act') and he was directed to obtain 'No Objection Certificate' from the authorities concerned. Thereafter, he filed W.P.No.20302 of 2012 and this Court disposed of the same on 05.07.2012 permitting him to submit a representation duly enclosing the documents before the District Collector, who, in turn, shall examine the same and pass appropriate orders within four weeks from the date of receipt thereof, making it clear that if the land is private patta land, respondent No.3 is under obligation to register the document. Pursuant to the same, the petitioner approached the District Collector, who, after enquiry, issued proceedings, dated 20.04.2018, directing respondent No.4-Tahsildar, Pileru to update the re-settlement register and take further action to delete the subject land from the prohibitory list furnished to the Registration Department under Section 22-A(1) of the Act. Thereafter, the petitioner approached respondent No.4, however, he had not taken any action so far. In view of the same, he got issued a legal notice on 05.08.2018 to respondent No.4, but there was no reply.

Hence, he prays for a writ of mandamus directing the respondent authorities to release the document pending for registration.

Learned Government Pleader for Stamps and Registration submits that as per the Full Bench Judgment of this Court, the decision of the District Level Committee that a particular land is required to be deleted from the prohibitory list furnished under Section 22-A of the Act would be required to be communicated to the Inspector General, Stamps and Registration, who, in turn, would communicate the same to respondent No.3.

As per the proceedings, dated 20.04.2018 issued by the District Collector, it is clear that the subject land stands identified as not includable in the prohibitory list in terms of Section 22-A(1) of the Act. However, one aspect, which requires to be noted, is that on 01.05.2017, the State Legislature enacted the Andhra Pradesh Dotted Lands (Updated in Resettlement Register) Act, 2017 (for short 'Act 10 of 2017') and that the Andhra Pradesh Dotted Lands (Updated in Resettlement Register) Rules, 2017 are also framed *vide* G.O.Ms.No.298, dated 17.07.2017. So far as the dotted lands are concerned, whatever may be the position prior to Act 10 of 2017 coming into force, after 01.05.2017, the procedure as setout in Act 10 of 2017 is required to be followed notwithstanding the Full Bench Judgment.

It may be noted that in Act 10 of 2017, a detailed procedure was prescribed with respect to recording of the dots against a particular land, verification and re-verification of the same and dealing with the claims/objections with respect to showing of a

land as a dotted land and claiming the same to be the property of the State.

In the case on hand, it is to be noted that the District Collector dealt with the matter under the provisions of Act 10 of 2017 and issued proceedings, dated 20.04.2018, directing respondent No.4 to delete the subject land from the prohibitory list. In terms of Rule 7 of the Rules, the respective authorities are required to make amendments and delete a particular property from the prohibited list earlier notified under Section 22-A(1) of the Act, and the said deletion ought to have been done within a period of one month from the date of the order made under Section 7 (or) 8 of the Act, as the case may be. In the case on hand, it is to be noted that though respondent No.4 has not taken any action pursuant to the proceedings, dated 20.04.2018, as, a copy of such proceedings is marked to respondent No.3, the latter is bound to take appropriate action.

In view of the above, this writ petition is allowed directing respondent No.3 to register the alleged document and release the same to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:05.11.2018

Note: LR copy to be marked.
kdl