

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40847 of 2018

ORDER:

The case of the petitioner is that originally the land admeasuring Ac.1-40 cents in Sy.No.296/4A, 296/4C, 296/4E of Konduru Village, Lepakshmi Mandal, Anantapur District is assigned in the year 1928 and since then original assignee and thereafter his legal heirs are in possession and enjoyment of the same. Since the assignment is unconditional one, the assignee or his legal heirs are entitled to sell the land. The petitioner purchased the subject land and presented the sale deed for necessary process on 22-06-2018 before the 4th respondent. The 4th respondent without considering the fact that the subject land is assigned in the year 1928 without any conditions with regard to non-alienation, refused to register the same vide refusal order P.No.153/2018, dated 07-09-2018. Respondents 2 and 3 without considering the fact that the subject land was assigned without non-alienation condition included the same under Section 22-A of the Registration Act, 1908 (for short "the Act"). The Government imposed the condition of non-alienation with effect from 18-06-1954 through GO.Ms.No.1142. Aggrieved by action of the 4th respondent in refusing to register the sale deed and including it under Section 22-A of the Act, the present writ petition is filed.

Learned counsel for the petitioner submits that the subject land was assigned prior to 1954, as such the same cannot be included in the list of prohibited properties. He also

submits that there is no condition of non-alienation in respect of lands which were assigned prior to 1954.

Learned Assistant Government Pleader for Revenue produced written instructions and the relevant portion of the same is as under:

“Further it is submitted that as per the RSR/Diglot of the Kondur Village in Sy.No.296, in extent of 20-05 cents in Govt.Dry and Assessed Waste (AW) land. Sy.No.296 is conditionally assigned vide DA.Dis.No.608/38, dated 30.06.30 which is sub-divided vide 8A No.35/1340 as follows:

Sy.No.	Extent in Ac.
296-1	2.95
296-2	1.38
296-3	3.59
296-4	4.30
296-6	3.02
296-7	1.95
Total extent	20.05

It is also submitted that the Government of Andhra Pradesh issued G.O.Ms.No.575 Revenue (Assgn.I) Department, dated 16.11.2018 and as per the Circular Memo No.2341/Assn.I/2014, dated 29.11.2018 of Government of Andhra Pradesh Revenue (Assignment-I) Department issued circular to the District Collector are requested to instruct the field level staff such as Tahsildar & Revenue Divisional Officers for verification of lists of prohibited properties already sent to the registration authorities notified under Section 22-A(1) (a)

&(b) and prepare lists of the Government lands assigned prior to 18-06-1954 and communicate the same to respective Registration Authorities for deletion from purview of the Section 22A(1) of Registration Act, 1908.”

In view of the above facts and circumstances, since it is admitted that subject lands are assigned prior to 1954, the writ petition needs to be allowed.

Accordingly, the writ petition is allowed directing the 4th respondent to receive and register the document in respect of subject land, if the same is in order as per the provisions of Indian Stamps and Registration Act and the Rules made thereunder, and if it is not prohibited for registration by any order/injunction passed by the Court or competent authority. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.RAJASHEKER REDDY,J

15-12-2018
Nvl