

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.41470 OF 2018

ORDER

The case of the petitioners is that the subject land in an extent of Ac.1-56 cents in Sy.No.558, situated at Pudipatla village, Tirupathi Rural Mandal, Chittoor District, was originally assigned to one B.Kannama Naidu in the year 1954 and his name was entered in the revenue records and the same was sold in favour of M/s Janachaitanya Housing Private Limited and thereafter, the petitioners obtained an irrevocable power of attorney dated 31.10.1996. The grievance of the petitioners is that when they intend to sell the subject land, the 3rd respondent – Sub Registrar, is not receiving and registering the document, on the ground that the land is included in the list of prohibited properties under Section 22-A of the Registration Act, 1908 (for short 'the Act') vide G.O.Ms.No.215 Revenue (Assn-I) Department dated 13.05.2016. Aggrieved by the action of the respondents in including the subject land in the list of prohibited properties under Section 22-A of the Act and also the action of the 3rd respondent is not receiving and registering the document presented by the petitioners, the present writ petition is filed.

Learned Assistant Government Pleader for Registration and Stamps, produced written instructions of 3rd respondent – Sub Registrar, Chandragiri vide Letter No. Nil dated 05.09.2018. The relevant portion of the said written instructions are extracted as under:

"In obedience to the reference cited, I submit that Sy.No.558 Extent Acs.316 cts of Pudipatla is included in the list of prohibited properties under Section 22-A(1)(e) of Registration Act issued vide G.O.Ms.No.215 Revenue (Assn-I) Department dated 13.05.2016. It is stated against the survey number that assignment was granted before 1954 with condition for depressed class people vide Collector proceedings D.Dis. 128/1930 dated 29.03.1921."

Heard the learned counsel for the petitioners and the learned Assistant Government Pleaders for Revenue and Registration and Stamps.

The case of the petitioners is that the subject land was assigned prior to 1954 and in the above written instructions the said fact was admitted. Government of Andhra Pradesh issued G.O.Ms.No.575 Revenue (Assignment – I) Department dated 16.11.2018 for deletion of Government lands assigned prior to 18.06.1954 from the purview of Section 22-A of the Act. The relevant portion of the said G.O., is as under:

“5. After careful examination of the matter, Government hereby order for deletion of Government lands assigned prior to 18.06.1954 from the purview of Section 22-A of Registration Act, 1908”.

In view of the facts and circumstances of the case and the written instructions of 3rd respondent stating that assignment was made prior to 1954, and as the Government issued G.O.Ms.No.575 dated 16.11.2018 for deletion of lands assigned prior to 18.06.1954; writ petition is allowed and the competent authority as per G.O.Ms.No.575 dated 16.11.2018 - Special Chief Secretary and Chief Commissioner of Land Administration, is directed to delete the subject land from the list of prohibited properties published under Section 22-A of the Act, within a period of four weeks from the date of receipt of a copy of this order.

The 3rd respondent – Sub Registrar, is directed to receive and register the document sought to be presented by the petitioners in respect of subject land, if the same is in order as per provision of the Indian Stamp Act, 1899 and the Registration Act, 1908 and the Rules made there under and not prohibited for registration by any order/injunction/attachment, passed by a court, or competent authority.

Interlocutory applications pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:30—11—2018
AVS