

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.45218 OF 2018

O R D E R

The case of the petitioner is that she presented document to the 5th respondent – Sub Registrar for registration in respect of subject land in D.No.302, to an extent of Ac.0.48 cents situate at Kuragallu village, Mangalagiri mandal, Guntur District. The 5th respondent – Sub Registrar vide endorsement in P.No.980/2018 dated 25.08.2018 refused to register the same on the ground that the subject land is included in the list of prohibited properties under Section 22-A(1)(a) of the Registration Act, 1908 as per the list furnished by the District Collector vide Rc.No.2207/2015-E5 dated 25.04.2016. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner, based on the averments made in the affidavit filed in support of the writ petition, submits that the subject land was originally assigned prior to 1954 and that Government issued G.O.Ms.No.580 Revenue (Assignment –IV) Department dated 16-11-2018 deleting the subject land from the list of prohibited properties notified under Section 22-A(1)(e) of the Registration Act, 1908 and the subject property of the petitioner is at serial No.1551 in the annexure appended to the said G.O. Therefore, he seeks for a direction to the 5th respondent to receive and register the document presented by the petitioner in respect of the subject property.

Learned Assistant Government Pleader for Revenue, produced written instructions of 3rd respondent – Tahsildar in Rc.No.824/2018-A, dated 12.12.2018. In the said written instructions, at paragraph No.2, it is stated as under:

"I submit that, as per the Revenue Records of Kuragallu village of Mangalagiri mandal i.e., RSR of Kuragallu village, the Sy.No.302 with an extent of Ac.0.48 cents is classified as Government Poramboke and noted in column No.15th of RSR as "Area included in Sy.No.13/B" total extent Acs.524.80 cents classified as Reserve Forest and later it was sub-divided and assigned in the year 1922."

The case of the petitioner is that the subject land was originally assigned prior to 1954 and in the written instructions of the 3rd respondent – Tahsildar, this fact has been admitted. Under G.O.Ms.No.580 dated 16.11.2018 Government deleted the lands assigned prior to 18.06.1954 from the list of prohibited properties under Section 22-A(1)(e) of the Registration Act, 1908. In the annexure appended to the said G.O., the subject land of the petitioner figures at Serial No.1551.

In view of the above facts and circumstances of the case, impugned endorsement of the 5th respondent in P.No.980/2018 dated 25.08.2018, is set aside and the he is directed to receive and register the document presented by the petitioner in respect of the subject property, 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.

Writ petition is accordingly allowed.

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

A.RAJASHEKER REDDY,J

DATE:13—12—2018

AVS