

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.45340 of 2018

ORDER:

The 2nd petitioner and 3rd petitioners are the brothers and the 1st petitioner is their father. 4th petitioner is the grandson of the 1st petitioner. The father of the 1st petitioner and Venkataramana had purchased an extent of Ac.21.38 cents in Sy.No.410 of Mudivedu Revenue Village, Kurbalkota Mandal, Chittoor District from Saddikuti Papanna, S/o.Reddappa through sale deed bearing registered document No.403/1951, dated 21.11.1951 and the names of the petitioners were also got mutated in revenue records. The said survey number i.e., Sy.No.410 of Mudivedu Revenue village was subsequently subdivided by the revenue authorities. When the respondent authorities not receiving and registering the documents presented by the petitioners, on the ground that the subject land is included in the list of prohibited properties as they were assigned prior to 1954. As such, they filed WP No.13014 of 2017, which was disposed of by this Court on 12.04.2017 permitting the petitioners to make necessary application to the 4th respondent therein praying to delete the subject lands from the list of prohibited properties under Section 22-A(1)(b) of the Registration Act. When the petitioners made application, the 5th respondent-

Joint Collector, without conducting an enquiry, passed impugned proceedings in R.Dis.No.F4/10/22(A) Lands/KBK/2018, dated 10.10.2018 rejecting the application of the petitioners basing on the request made by the respondents 6 and 7 that the subject lands are assigned lands. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue appearing for respondents.

A perusal of the impugned proceedings dated 10.10.2018, wherein it is mentioned in the reasons for rejection column it is mentioned as follows:

“As per A-Register, the Sy.No.410 ext.Ac.21.38 cents is classified as Government Dry and subsequently an entry was made in ‘A’ register that the proposed Sy.No.was assigned with a condition to leave footpath. As it is an assigned land vide A.M.No.436/4/22, dated 4.4.1922, Sy.No.1599/1 with an extent 3.69 cents is block splitting from Sy.No.394 with an extent of Ac.30.62 cents and assigned vide AM.No.970/4/1335, dated 12.09.1926.Hence the application may be rejected.”

A perusal of the impugned proceedings goes to show that the subject land is assigned prior to 1954. The Government of Andhra Pradesh has issued G.O.Ms.No.575, dated 16.11.2018 for deletion of lands which are assigned prior 1954, from the list of prohibited properties as per Section 22-A of the Registration Act. In view of the same, refusal of registration by the 3rd respondent in respect of subject property presented by the petitioners, cannot be sustained. When impugned proceedings show that the

subject land is assigned prior to 1954, the question of continuation of the same in the list of prohibited properties under Section 22-A of the Act does not arise.

In view of the same, this writ petition is allowed directing the 3rd respondent to entertain the documents presented by the petitioner in respect of the subject property and register the same, if not prohibited for registration by any order/injunction/attachment, passed by a 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.

20-12-2018
kvs



A.RAJASHEKER REDDY,J

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