

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.45740 OF 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking for a writ of *Mandamus* to declare the refusal order No.1 of 2017, dated 14.06.2017, passed in Document P.No.86/2017 by the 6th respondent insofar as it relates to land in Survey No.155/2 to an extent of Ac. 0.50 cents equivalent to 2420 square yards near Door No.4-180/B, Chowdavaram village, Guntur Municipal Corporation Limited, Guntur District, on the ground that the land is included in the prohibitory list issued by the 2nd respondent herein in Rc.2207/2015-E5, dated 25.04.2016 under Section 22 (A) of Registration Act, 1908 as illegal, arbitrary and contrary to provisions of Registration Act, 1908 and set-aside the same and register and release document P.No.86/2017 in pursuance of G.O.Ms.No.575 Revenue (Assignment-IV) Department, dated 16.11.2018 on its representation and consequently direct the 6th respondent to register and release the document P.No.86/2017 represented by the petitioner for registration in respect of the aforesaid land in pursuance of G.O.Ms.No.575 Revenue (Assignment-IV) Department, dated 16.11.2018 and G.O.Ms.No.580, dated 16.11.2018 by suspending the prohibited lists furnished by the 2nd respondent and G.O.Ms.No.197, dated 5.5.2016.

2. Heard Sri A.Prabhakar Rao, learned counsel appearing for the petitioner, learned Assistant Government Pleader for Revenue (A.P.) appearing for the respondents 1 to 4, and learned Assistant Government Pleader for Stamps and Registration (A.P.) appearing for the respondents 5 & 6.

3. The case of the petitioner is that the subject lands are assigned prior to the year 1954, but the same are included in the list of prohibited

properties by virtue of G.O.Ms.No.197 Revenue (Assignment-I) Department, dated 05.05.2016. The reason for inclusion of the subject lands in the list of prohibited properties is that the subject lands are assigned prior to 1954. The Government issued G.O.Ms.No.575 Revenue (Assignment-I) Department, dated 16.11.2018, for deletion of lands assigned prior to 1954. Meanwhile, the respondents refused to register the document bearing P.No.86/2017. Aggrieved by the same, the present writ petition is filed.

4. Impugned proceedings itself shows that the subject lands are assigned prior to 1954 as per G.O.Ms.No.575 Revenue (Assignment-I) Department, dated 16.11.2018, the same is liable to be deleted from the list of prohibited properties.

5. The relevant portion of the G.O.Ms.No.575 Revenue (Assignment-I) Department, dated 16.11.2018, 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”.

6. In view of the facts and circumstances of the case and as the Government issued G.O.Ms.No.575 Revenue (Assignment-I) Department, dated 16.11.2018, for deletion of lands assigned prior to 18.06.1954, Writ Petition is allowed, as prayed for, and the impugned order, dated 14.06.2017, is hereby set aside.

As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

There shall be no order as to costs.

A.RAJASHEKER REDDY, J

Date: 17th December, 2018

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