

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.45797 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.20/2017, dated 29.06.2017, passed by the 5th respondent *vide* document P.No.458/2017, dated 29.06.2017, presented by the petitioner in respect of land in D.No.127/1, to an extent of Ac. 0.88 cents, situated at Krishnayapalem village, Mangalagiri Mandal, Guntur District, on the ground that the 2nd respondent included the aforesaid lands in the Prohibitory List issued in Rc.No.2207/2015-E5, dated 25.04.2016, and also to declare the action of the 5th respondent in refusing to receive the document P.No.458/2017, dated 29.06.2017, pursuant to G.O.Ms.No.575 and G.O.Ms.No.580, dated 16.11.2018, as illegal and arbitrary, contrary to the provisions of Section 22(A) of Registration Act, 1908, and consequently direct the 5th respondent to receive the aforesaid document register and release the same to the petitioner.

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.458/2017. Aggrieved by the same, the present writ petition is filed.

4. Learned Assistant Government Pleader for Revenue submits that since the 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. Even according to G.O.Ms.No.197 Revenue (Assignment-I) Department, dated 05.05.2016, only Ac. 0.50 cents of land is included in the list of prohibited properties and the impugned refusal order is basing on the proceedings, dated 25.04.2016, issued by the 2nd respondent and the G.O.Ms.No.197 Revenue (Assignment-I) Department, dated 05.05.2016, is issued after Full Bench Judgment of this Court, dated 23.12.2015, passed in W.A.Nos.232 of 2012, 352 of 2013, 343 of 2015 & 1063 of 2013. In view of the same, since admittedly the subject property is assigned prior to 1954, the same is liable to be deleted in terms of G.O.Ms.No.575 Revenue (Assignment-I) Department, dated 16.11.2018.

7. 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 29.06.2017, 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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246**HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY****WRIT PETITION No.45797 of 2018**Date: 17th December, 2018

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