

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.41853 of 2017

ORDER:

This Writ Petition is seeking the following relief:

“to issue a writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction on the part of 2nd respondent on the petitioner’s representation dated 05.08.2017 submitted for deletion of his house and site property admeasuring 176 Sq Yards in Survey No 159 situated within the Ongole Rural Village Survey limits of Prakasam District from the list of prohibited properties for registration on the file of respondents 3 and 4 under section 22-A (1) (e) of Registration Act 1908 and rules framed there under as illegal irregular irrational and amounts to non discharge of legal obligation conferred under the said statutory provisions and offends Articles 14 21 and 300-A of constitution of India and consequently direct the 2nd respondent to decide petitioner’s representation dated 05.08.2017 by initiating necessary enquiry.”

2. The petitioner states that he is the absolute owner, possessor and enjoyer of aforesaid property having purchased the same under a registered Sale Deed, dated 16.02.1987. Since the date of purchase, he is in continuous possession and enjoyment of the same and he also constructed a residential house in the said property. While so, the petitioner intends to carryout certain repairs and improvements to the said house, he approached the bank officials for sanction of loan, who insisted to execute a registered mortgage over the said property. Accordingly, the petitioner required the particulars of valuation of the said property and approached the fourth respondent to furnish the valuation particulars of the said property. The fourth respondent refused to give the particulars on the ground that said property was included in the prohibitory list of properties. Aggrieved by inclusion of the same, the petitioner submitted a representation on 05.08.2017 to the 2nd respondent seeking deletion of subject

property from the prohibited properties. Though the 2nd respondent acknowledged said representation, failed to act upon the same till date. Hence, the present Writ Petition is filed.

3. Learned counsel for the petitioner submits that the petitioner has already submitted a representation by enclosing all the required documents on 05.08.2017, but till date no orders have been passed thereon.

4. On the other hand, learned Government Pleader appearing for the 2nd respondent submits that the enclosed documents have not been received and hence, the petitioner is given fifteen (15) days time to submit the documents. As and when such documents are received, the 2nd respondent shall consider the representation, dated 05.08.2017 along with the documents and pass appropriate orders thereon in accordance with law.

5. Having regard to the same, the Writ Petition is disposed of directing the 2nd respondent to consider the representation of the petitioner dated 05.08.2017 along with the documents submitted by her and pass appropriate orders thereon, within a period of two (2) months from the date of receipt of a copy of this order. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

15.02.2018
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