

THE HON'BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.4779 OF 2021

ORDER:-

This Writ Petition is filed to issue a Writ of Mandamus declaring the action of the 5th respondent in refusing to register the document after giving P.No.96/2019 vide refusal order dated 01.02.2020 as confirmed by the 4th respondent by order dated 03.09.2020 in Appeal No.11 of 2020, in respect of land to an extent of Ac.2.55 cents in Sy.No.96/3 of Koduru village, Chilamathur Mandal, Anantapur District, though the land belongs to legal heirs of assignee, which was assigned prior to 1954 by simply referring that the above property is indicated as Prohibited Property under Section 22-A(1)(a) of Registration Act without assigning any reasons as illegal, arbitrary and violative of provisions of Registration Act, 1908 and violative of G.O.Ms.No.575 dated 16.11.2018 Revenue (Assignment-I) Department, and set aside the same and consequently direct the 5th respondent to receive, admit the sale deed in respect of above land for registration and release the same.

2. The case of the petitioner is that his vendors viz., R. Adinarayana Reddy, R. Venkata Reddy, R. Diwakar Reddy, R. Jeevan Reddy, Srinivasa Reddy, P. Eswaramma, P. Chowdamma are the absolute owners of the subject land. The petitioner purchased the same from his vendors for valuable sale consideration on 15.02.2019, through a sale deed. He also paid nearly Rs.72,000/- to the Government by way of challan towards stamp duty in favour of 5th respondent for registration of the document and presented the document before the 5th respondent

for registration, which was assigned P.No.96 of 2019. Subsequently by refusal order dated 01.02.2020 the 5th respondent refused registration of the document. Aggrieved thereby the petitioner preferred an appeal before the 4th respondent. The 4th respondent vide orders dated 03.09.2020 dismissed Appeal No.11 of 2020 confirming the order of the 5th respondent. Assailing the said orders, this present Writ Petition is filed.

3. Learned counsel for the petitioner submits that the impugned orders passed by respondents 4 & 5 are *ex facie* illegal and arbitrary. The subject land originally belongs to the ancestors of the vendors of the petitioner, which was assigned to them vide D.No.171/1339 dated 08.01.1930, as per village Diaglot. For the lands allotted prior to 1954, while allotting patta, there is no condition of non alienation. The Government also issued order permitting the Collectors for deletion of Government lands assigned prior to 18.06.1954 from the purview of Section 22-A of Registration Act, 1908 vide G.O.Ms.No.575 dated 16.11.2018 Revenue (Assigned-I) Department. Continuing the land in the prohibitory list, though the Collectors are permitted to make such deletion, is illegal and arbitrary and violative of G.O.Ms.No.575 dated 16.11.2018 Revenue (Assigned-I) Department and requested to pass appropriate orders.

4. Learned Assistant Government Pleader for Registration and Stamps contended that, recommendation was made for deletion of the property from the prohibitory list under Section 22-A of Registration Act and it is pending for consideration and that the respondents/authorities will take appropriate steps to delete the

property from prohibitory list and after completion of deletion, the 5th respondent/Sub-Registrar will entertain the document, register it and release the same.

5. Admittedly, the subject land was assigned in favour of the ancestors of the vendors of the petitioner without imposing any restriction as to the alienation of the property. Thereby, the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, have no application to the assignments granted prior to 1954 and even as per the G.O.Ms.No.575 dated 16.11.2018 Revenue (Assign.-I) Department, the District Collectors are given power for deletion of the lands assigned prior to 18.06.1954 from the purview of Section 22-A of Registration Act, 1908. Despite the direction issued by the Government by way of G.O., the respondents have not deleted the land from the prohibitory property list maintained under Section 22-A of Registration Act, 1908.

6. In view of the above discussion, it is an undisputed fact that the authorities made a recommendation, including the Collectors for deletion of the property from the prohibitory properties list maintained under Section 22-A of Registration Act and it is pending before the concerned authorities for taking appropriate steps for deletion. Following the decision of this Court in **T. Balaji v. State of A.P** [2020(1) ALT 326 (AP)], the respondents are directed to complete the process of deletion of the subject land to an extent of Ac.2.55 cents in Survey No.96/3 of Koduru Village, Chilamathur Mandal, Anantapur District, from the prohibitory properties list, in terms of G.O.Ms.No.575 dated 16.11.2018 Revenue (Assign-I) Department within a period of four (04) weeks

from the date of receipt of a copy of this order and on such deletion, the 5th respondent is directed to register the document bearing P.No.96 of 2019, without reference to the refusal order dated 01.02.2020, if it is in accordance with the registration rules, register and release the same in favour of the petitioner.

7. Accordingly, the Writ Petition is disposed of. No costs.

As a sequel, miscellaneous applications pending, if any, shall also stand closed.

JUSTICE M. GANGA RAO

26.02.2021
Vjl