

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10274 of 2017

ORDER:

The case of the petitioner is that the property admeasuring an extent of 750 Sq.feet or 83.33 Sq.yards, in Plot Nos.13, 14 and 15 in Sy.No.73/3 was purchased by petitioner's husband Uppalapati Venkaiah in the year 2006 vide Doc.No.4689 of 2006 from his original vendor Sri Mundluru Meghanadha Naidu, who purchased the said property from his original vendor Smt.Dasineni Sudharani vide Document No.91/2005, dated 07.01.2005 who in turn purchased the said property from her original vendor Sri Dampa Rajasekhar Reddy vide document No.2790/2002, dated 11.09.2002. The said Dampa Rajasekhar Reddy purchased the said property from his original vendors P.Radhakrishnama Raju, K.Kesava Raju and P.Rama Raju vide Doc.No.1149/1995, dated 03.06.1995. While so petitioner's husband died on 10.05.2015 leaving behind him, the petitioner and minor children as his legal heirs. When petitioner intended to sell the said property, she approached the 4th respondent and requested for issuance of market value certificate and registration of the said property. But, the 4th respondent refused to give the market value certificate and orally stated that there is ban of registration with regard to subject property as the subject property is prohibited for registration under Section 22 A of the Registration Act. Aggrieved by the action of the 4th respondent in refusing to

register the documents presented by the petitioner in respect of subject property, present writ petition is filed.

Learned counsel for the petitioner submits that though several sale transactions took place, earlier, in respect of the subject land, the 4th respondent rejected for registration of the subject land and that after filing of writ petition, petitioner made representation to the 2nd respondent for deletion of subject property from the list of prohibited properties made under Section 22-A(1)(a) of the Registration Act, 1908.

Learned Assistant Government Pleader for Revenue produced written instructions stating that the subject property is notified under Section 22-A in the list of prohibited Government lands and published in the District Gazette No.7 on 07.07.2015 and that the subject property is classified as 'Assessed waste dry" i.e. "Anaadheenam Punja" in the revenue records.

It is to be seen that when the similar issue fell for consideration before full bench in ***Vinjamuri Rajagopalachary v. The Government of Andhra Pradesh reported in 2016 (1) ALT 550***, it is held that the District Collector is the competent authority who can include or exclude the properties from the list of prohibited properties prepared under Section 22 A (1)(a) of the Registration Act, 1908. In view of the same, the 2nd respondent is to take necessary action on the representation made by the petitioner.

In view of the aforesaid facts and circumstances, without going into the merits of the case, the 2nd respondent is directed to dispose of the representation dated 24.03.2014 submitted by the petitioner in terms of the aforesaid full bench Judgment and take further action within a period of two months from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed. No order as to costs.

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

31.03.2017
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A.RAJASHEKER REDDY, J

