

HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION No.20619 of 2016

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

“...to issue a Writ, order or direction more particularly a Writ of Certiorari calling for records pertaining to the impugned orders passed in Appeal No.9 of 2015 dated 23.12.2015 passed by the 2nd respondent and the refusal order No.11 of 2015 passed by the 3rd Respondent in respect of the document P.170 of 2015 refusing to register a sale deed executed on 15.07.2015 as illegal, arbitrary and contrary to law and further direct the 3rd respondent to register and release the document to the petitioner and other pass such orders in the interest of justice...”

2. The main contention of petitioner before this Court is that Tahsildar, is incompetent to furnish the list of prohibited properties under Section 22-A(1)(b) of the Act and the District Collector alone is competent to include any property or exclude any property from prohibitory list, published under Section 22-A(1)(b) of the Act. The Registration Department issued Memo G1/19331/2005 dated 14.04.2007, 2nd para of memo is relevant for the purpose of deciding the real controversy, which reads as follows:

“District Collector shall furnish the list of immovable properties owned by the State to the Registering Officer, having jurisdiction over such property and also to the District Registrar, Director of Inspector General concerned and Commissioner of Inspector General of Registration and Stamps in proforma Appendix-II and the list must be signed by the concerned authorized representative of Central or State government as the case may be”.

3. Therefore, the list under Section 22-A(1)(b) of the Act shall be furnished by the “District Collector” alone in terms of Circular Memo referred above.

4. In view of the facts stated above since the impugned Appeal Order No.9 of 2015, dated 23.12.2015, filed before the District Registrar, Kaddapa and the Refusal order vide No.11 of 2015, dated 12.08.2015, issued by the 3rd respondent/Joint-Sub Registrar, Kadapa is based on the list furnished by the Tahsildar, Pendlimarri, who has no jurisdiction to furnish the same the impugned Appeal order and Refusal Order are liable to be set aside.

5. Accordingly the Writ Petition is allowed setting aside the Appeal Order No.9 of 2015, dated 23.12.2015, filed before the District Registrar, Kadapa and consequently the Refusal Order vide No.11 of 2015, dated 12.08.2015, is also set aside. The 3rd respondent/Joint-Sub Registrar, is

directed to receive, register and process the document(s) presented by the petitioner, release the same, as per Section 71 of the Registration Act, 1908.

Consequently, miscellaneous petitions pending, if any, shall also stand closed.

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Date: 30.12.2022

KGR/SSN

123

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