



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3233]

**TUESDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 8043/2020

Between:

1.B. NISSAR AHMAD, S/O. B. YOUSUF SALA, AGED ABOUT 42 YEARS, OCC. BUSINESS, RIO D.NO. 26-4-1136A, RTC COLONY, HINDUPUR, ANANTHAPURAMU DISTRICT

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.

2.THE DISTRICT COLLECTOR, ANANTHAPURAMU DISTRICT.

3.THE REVENUE DIVISIONAL OFFICER, PENUKONDA, ANANTHAPURAMU DISTRICT.

4.THE THASILDAR, CHILAMATHUR, ANANTHAPURAMU DISTRICT.

5.THE DISTRICT REGISTRAR, HINDUPUR, ANANTHAPURAMU DISTRICT.

6.THE SUB REGISTRAR, CHILAMATHUR, ANANTHAPURAMU DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ of mandamus or any other appropriate writ order or direction declaring the refusal order dated 09.03.2020 passed by the 6th

respondent in refusing to register the land in Sy.No.848-5 to an extent of Ac.0-86 Cents situated at Koduru Village, Chilamathur mandal, Ananthapuramu District on the ground that subject land is under ED attachment and without communicating any proceedings to show that the subject land is under ED attachment is illegal and arbitrary and set aside the same and consequently direct the 6th respondent to register and release the document of subject land in Sy.No.848-5 to an extent of Ac.0-86 Cents situated at Koduru Village, Chilamathur mandal, Ananthapuramu District, without rising any objection

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased Pleased to grant leave to the petitioner herein /respondent No.6 to file counter affidavit in the above writ appeal and pass

Counsel for the Petitioner:

1.KATA SAMBASIVA RAO

Counsel for the Respondent(S):

1.GP FOR REVENUE (AP)

The Court made the following Order:

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for the respondents.

2. This writ petition was filed questioning the refusal order of the 6th respondent dated 09.03.2020 in refusing to register the land in an extent of Ac.0.86 cents situated at Koduru Village, Chilamathur Mandal, Ananthapuramu District on the ground that the subject land is under ED attachment and without communicating any proceedings to show that the subject land is under ED attachment.

3. The learned counsel for the petitioner refers to the impugned order of the 6th respondent dated 09.03.2020 and submits that the subject property was not taken for registration by refusing the same on the ground that the said property is under prohibited property list under Section 22-A (1) (e) of the Registration Act, 1908 and this is assigned land (Annexure-V). The subject land is only confined to Ac.0.86 cents in Sy.No.848/5.

4. On the other hand, the learned Assistant Government Pleader relying upon the counter of the 6th respondent submits that the subject land is notified by the Government of Andhra Pradesh, Revenue Department and the list of Survey Numbers has been published by the 2nd respondent *vide* proceedings dated 14.03.2018 and G.O.Ms.No.201 dated 14.03.2018 of Revenue Department under Section 22-A (1) (e) of the Registration Act, 1908. As per

Section 22-A of the Registration Act, there is a total prohibition of registration of the documents relating to transfer of property by way of sale, agreement of sale, gift, exchange or lease in respect of immovable property owned by the religious institutions executed by the persons other than those statutorily empowered to do so.

5. The above said land is notified as prohibited property from registration under Section 22 A (1) (e) of the Registration Act, 1908. Unless and until the deletion or modification of prohibited property list is communicated from the 2nd respondent to the District Registrar concerned, the Registering Officer cannot register the properties. The Registering Officer has no power or authority to proceed with the further registration of the subject property without deletion by the competent authority.

6. In view of the above said facts and circumstances, the petitioner is permitted to approach the 2nd respondent/competent authority for deletion of the subject property from the prohibited list by enclosing all the necessary documents in support of his claim within a period of four (04) weeks from the date of receipt of this order. On receipt of the same, the 2nd respondent/competent authority shall consider and dispose of the said application of the petitioner, strictly in accordance with law by hearing all the parties concerned, including the petitioner, giving due opportunity, upon verification of the records and the subject land, appropriate decision shall be

taken on its own merits as expeditiously as possible, preferably within a period of three (03) months thereafter.

7. Accordingly, this Writ Petition is disposed of. Interim order if any deemed to have been vacated. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

11.11.2025
PGT

JUSTICE B. KRISHNA MOHAN