

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.6524 OF 2021

ORDER:-

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“.....to issue a Writ, one in the nature of a Writ of Mandamus or any other appropriate Writ, Direction or Order declaring the action of the 5th respondent in refusing the document after giving P.No.240/2020 vide refusal order dated 27.02.2021 in respect of land admeasuring 149.33 Square yards of open land out of Ac.0.72 cents in Survey No.255-3 A situated at Kirekera Village polam, Hindupur Mandal, Anantapur District though land belongs to Legal heirs of assignee which was assigned prior to 1954 simply referring that the above property is indicates Prohibited property under Section 22-A (1)(a) of Registration Act without assigning any reasons as illegal, arbitrary and unconstitutional, violative of provisions of Registration Act, 1908 and violative of G.O.Ms.No.575 dated 16.11.2018 Revenue (Assigned-I) Department, and set-aside the same and consequently direct the 5th respondent to receive, admit the sale deed in respect of above said land for registration and release the same and pass.....”

2. The case of the petitioner is that her vendors – Narayanamma, W/o.Hosurappa and her sons – Narayanappa, G.Sreeramappa and sons of Narayanappa – Sekhar and Chandra are absolute owners of land to an extent of Ac.0.72 cents in Sy.No.255-3A situated at Kirekera Village Polam, Hindupur Mandal, Anantapur District. They have been in exclusive possession and enjoyment of the said land. On 3.12.2020, the petitioner herein purchased land admeasuring 149.33 Sq.yds of open land out of Ac.0.72 cents in the above said land from them by executing a sale deed for valid sale consideration. The said sale deed was presented before respondent No.5 for registration. Respondent No.5 allotted P.No.240 of 2020 and kept pending for

registration of the document. The land to an extent of Ac.1.81 cents in Sy.No.255-3 situated at Kirekera Village, Hindupur Mandal, Anantapur District was originally assigned in favour of one Sri Vaddi Kundeti Venkatappa *vide* DAR.Dis.No.289/38, dated 30.4.1929. The petitioner's vendors succeeded the above said property as legal heirs of original assignee and they had been in continuous possession and enjoyment of the property till the date of sale. On 3.12.2020, the legal heirs of assignees sold a part of the property to the petitioner by way of a registered sale deed for valid sale consideration along with possession. Respondent No.2 herein issued "No Objection Certificate" in respect of the above said land *vide* proceedings D.Dis.E2/5580/2011, dated 31.5.2011, by communicating the same to respondent No.5. Respondent No.1 has issued G.O.Ms.No.575, Revenue (Assigned-I) Department, dated 16.11.2018, wherein it is clearly mentioned that the Government ordered for deletion of Government lands assigned prior to 18.6.1954 from the purview of Section 22-A of Registration Act, 1908. Respondent No.5 refused registration of document after assigning P.No.240/2020 *vide* refusal order, dated 27.2.2021, even without considering that the land was assigned prior to 1954. Hence, the petitioner filed the present writ petition.

3. Learned counsel for the petitioner submits the subject land was assigned to the petitioner's vendors prior to 1954 i.e., DAR Dis.No.289/38, dated 30.4.1929, and hence, the action of respondent No.5 in refusing to register the sale deed after giving P.No.240/2020 is contrary to G.O.Ms.No.575, dated 16.11.2018.

4. At the hearing, learned counsel for the petitioner submits that the issue involved in this writ petition is squarely covered by

the order of this Court in W.P.No.1418 of 2020, dated 27.01.2020, and hence, prayed to issue similar directions in this writ petition also.

5. Learned Government Pleader for Stamps and Registration appearing for respondent Nos.1, 4 and 5 and the learned Government Pleader for Revenue appearing for respondent Nos.2 and 3 also acceded for the same.

6. A reading of the order passed in W.P.No.1418 of 2020, dated 27.01.2020, reveals that this Court, after considering relevant law elaborately, passed orders directing the respondents therein to complete the process of deletion of the property of the petitioner therein, in terms of G.O.Ms.No.575, Revenue (Assignment-I) Department, dated 16.11.2018, and on such deletion, directed the fourth respondent therein to receive the proposed sale deed, register it, if it is in accordance with law, and release the same in accordance with law.

7. Following the said order, the respondents are directed to complete the process of deletion of the petitioner's land i.e., an extent of 149.33 Square yards of open land out of Ac.0.72 cents in Sy.No.255-3A situated at Kirekera Village Polam, Hindupur Mandal, Anantapur District, from the prohibited property list, within one month from the date of receipt of a copy of this order, in terms of G.O.Ms.No.575, dated 16.11.2018, and communicate the deletion order to the 5th respondent immediately. On such deletion, the 5th respondent is directed to register the pending sale deed document P.No.240/2020, register it, if it is in accordance with law, and release the same in accordance with law.

8. With the above directions, the Writ Petition is disposed of.
There shall be no order as to costs.

9. Registry is directed to annex a copy of the order, dated 27.01.2020, in W.P.No.1418 of 2020 to this order.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE M.GANGA RAO

Date : 20.3.2021
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