

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

WEDNESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOURTEEN

-
Present
HON'BLE SRI JUSTICE P.NAVEEN RAO

-
WRIT PETITION No.40974 of 2014

Between:

Aketi Adinarayana,
S/o. Late Rama Swamy, Aged about 76 years,
R/o. Muttarasu Street, Salur,
Vizianagaram District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue Department,
Secretariat Buildings, Hyderabad & 2 others

..
Respondents

The Court made the following:

-
-
-
-
-
-
-
-
-
-
-
-
-
-

-
-
-
-
-
-
-
-

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40974 of 2014

-

ORDER:

The case of the petitioner is that he owns house property (building and vacant site) bearing Door No.56-1-16, present Door No.56-75, Municipal Assessment No.1092006750, situated at North side of Neyyala Street Road of Salur Village and the vacant sites situated in Muttarasu Street bearing Municipal Assessment No.1092006889, both are situated in Ward No.13, in Town Survey No.162/2, Salur Municipality, Vizianagaram District. The petitioner had applied for a loan in Canara Bank, Salur Branch, and the same was sanctioned on the security of the said property and in order to obtain the loan from the bank, the petitioner has to execute a registered Mortgage by deposit of title deed in favour of the Bank. When the petitioner approached the Sub-Registrar, Salur Mandal, Vizianagaram District (2nd respondent), requesting him to furnish market value and permit him to present the document, the Sub-Registrar refused to receive and process the same on the ground that the land is classified as 'Poromboke' and cannot be permitted for alienation as per the communication furnished by the revenue authorities.

2. When the matter is taken up for consideration,

learned counsel for the petitioner, learned Assistant Government Pleader for Revenue and the learned Standing Counsel for Municipality represented that the subject matter of this writ petition is covered by the decision of this Court rendered in W.P.No.1339 of 2014 and batch.

3. In W.P.No.1339 of 2014 and batch, after construing the provisions in Section 2(1) of the A.P. Land Encroachment Act, 1905, the proceedings issued by the District Collector, Kadapa, in Circular Reference No.E3/1291/2007, dated 29.04.2007, G.O.Ms.100, dated 22.02.2014, and earlier decision of this Court in W.P.No.23634 of 2012 and batch, this Court held as under:

“As evident from the Circular of the District Collector, Kadapa, and the Orders of the Government in G.O.Ms.No.100 dated 22.02.2014, the lands classified as Gramakantham are not the Government lands and that there is no restraint for alienation of the said properties. Thus, the decision of the Sub-Registrar in refusing to entertain the deed of conveyance concerning the properties in Sy.Nos.159/2 and 162/2 of Salur Municipality is erroneous.”

4. Following the earlier decision of this Court concerning Survey Nos.159/2 and 162/2 falling within the Salur Municipal Limits, this Writ Petition is also disposed of directing the Sub-Registrar, Salur Mandal, Vizianagaram District (3rd respondent) to furnish market value concerning the property claimed to have owned by the petitioner in Town Survey No.162/2 of Salur Municipality and to receive and process the document as and when presented by the petitioner, in accordance with the Registration Act, 1908, and the Indian Stamp Act, 1899, without raising the objection that the land is

classified as Government land. The Sub-Registrar shall complete registration formalities, if the document is otherwise in order and release the same. If the Sub-Registrar has any other valid reason for not entertaining the document, he shall pass a reasoned order and communicate the same to the petitioner. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P.NAVEEN

RAO, J

Date: 31st December, 2014

KL



HON'BLE SRI JUSTICE P.NAVEEN RAO

-
-
-
-
-
-
-
-
-
-

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

WRIT PETITION No.40974 of 2014

-

Date: 31st December, 2014

KL

