

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.23368 of 2015

BETWEEN

Budaga Venkatesulu.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Secretary, Revenue (Stamps & Registration) Department, Secretariat, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 11.08.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals? | No |
| 3. | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | No |

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ORDER:

Petitioner seeks to execute a sale deed with respect to land admeasuring Ac.5.24 cents in Sy.No.899 (Old Sy.No.383-2) situated at Marur village, Rapthadu Mandal, Ananthapuram District.

Petitioner claims the said land through his father, who purchased the said land on 02.05.1974 vide document No.2424 of 1974, which was registered in the office of the fourth respondent. Petitioner states that his father executed a will deed dated 02.04.2002 wherein Ac.5.24 cents fell to his share and the same was registered as document No.2733 of 2002 dated 02.04.2002. Petitioner's possession is stated to have been recorded in the revenue records and that he is also issued pattadar passbook. Petitioner, however, states that the fourth respondent is not receiving the aforesaid sale deed on the ground that the said survey number appears to be in the prohibited lands category. Hence, the present writ petition is filed seeking direction to the fourth respondent to receive, process and register the said document.

2. Learned Government Pleader for Revenue has received instructions from the Tahsildar, which states that the land in Sy.No.383-2 (Old) 899 (New) admeasuring Ac.12.45 cents is a patta land as per RSR and stands in the name of Chennaiah Gaari Madinepalli Subbanna and that Ac.5.74 cents stands in the name of the petitioner out of said Ac.12.45 cents as per the adangal.

3. Obviously, therefore, the Tahsildar certifies the said land as patta land. Hence, there appears no reason for the fourth respondent not to entertain the sale deed proposed by the petitioner.

However, the petitioner has not yet presented the sale deed.

4. Petitioner is at liberty to present the document and if such document is

presented, the fourth respondent shall receive and process the document presented by the petitioner. The fourth respondent is further directed to receive and process the document in accordance with the Registration Act, 1908 and Indian Stamp Act, 1899 and if the document is in conformity with the provisions of the aforesaid enactments, thereafter, register and release the document in accordance with the due procedure. It is also made clear that in the event of registering authority not being satisfied with the compliance under the Registration Act or the Stamp Act, appropriate refusal endorsement together with reasons shall be recorded and communicated to the petitioner in terms of Section 71 of the Registration Act.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

August 11, 2015
DSK