

**IN THE HIGH COURT OF JUDICATURE
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

WEDNESDAY THE TWENTYEIGHTH DAY OF JANUARY
TWO THOUSAND AND FIFTEEN

HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 35924 OF 2013

Between:

Pulivarthi Sreeramulu ... Petitioner

V/s.

The Government of Andhra Pradesh
Represented by Principal Secretary
Revenue Department, Secretariat,
Hyderabad & Ors. ... Respondents

Counsel for the Petitioner : Ms.P. Rajani Reddy

Counsel for the Respondents : Govt.Pleader for Revenue
[AP]

The court made the following : [order follows]

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ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Revenue.

2. The petitioner prays for mandamus declaring the action of fifth respondent in refusing to receive and register document in respect of agricultural land in an extent of Ac:0-60 cents in survey No. 156 of Rangasamudram village fields, Porumamilla Mandal, YSR Kadapa district as illegal and contrary to the provisions of Registration Act.

3. The petitioner prays for a consequential direction to receive and register the document presented for the extent and survey number referred to above.

4. The cause of action for filing the writ petition is the inaction or refusal to act according to law by the fifth respondent. Section 22-A of the Registration Act lays down the circumstances and also conditions in which the Sub-Register can refuse to register a document. In the case on hand, the grievance

against fifth respondent is that the fifth respondent has been refusing to register the document of subject land on the strength of communication No. A/69/2007 dated 09/02/2007. The fifth respondent justifies the reason for refusing to receive any document for the subject land as it is included in the prohibitory list. The Tahsildar/respondent No.4 however has communicated the following instructions to the learned Government Pleader.

Ref.No.A/15/2015, dated:27/01/2015.

Sir,

*Sub: WP.No. 35924 of 2014 filed by Sri Pulivarthi Sreeramulu
YSR district – Porumamilla Mandal – Rangasamudram
village – Sy.No. 156 Extent 0—6- acres of
Rangasamudram
village – factual report – called for – submitted – Reg.*

*Ref: Phone message received from the Liaison Officer, High
Court of A.P. Hyderabad, dated 27/1/2015.*

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I submit that Sri Pulivarthi Sreeramulu, resident of Rangasamudram village, Porumamilla Mandal, YSR district has filed a writ petition before the Hon'ble High Court of A.P. Hyderabad, in WP.No. 35924 of 2013, the land in sy.no. 156/2 extent 0-60 acres of Rangasamudram village Porumamilla Mandal and I submit the factual report as detailed hereunder.

Originally the land in sy.no. 156/2, extent 0-60 acres of Rangasamudram village was classified as patta land as per RSR and as per 1-B the said land was noted in the name of Pulinari Sriramulu as pattedar.

5. From the above, it is evident that the fifth respondent refers to a list alleged to have been communicated by the fourth respondent to fifth respondent wherein survey No.156 of Rangasamudram village fields of Porumamilla Mandal, YSR Kadapa district is included in prohibitory list. The fourth respondent through letter dated 27/1/15 instructs the learned Government Pleader that survey no. 156/2 in an extent of Ac:0-60 cents is patta land even as per R.S.R.

6. Having regard to the above anomalous situation, there appears to be an error apparent in the inclusion of subject land by prohibition list. Therefore the fourth respondent is directed to forth with communicate appropriate orders to the fifth respondent on survey No.156/2 in an extent of Ac:0-60 cents and the fifth respondent is directed to receive and register the document presented by the petitioner if the document is compliant with the requirement of Registration and Stamps Act.

7. With the above direction, the writ petition is disposed of.
No order as to costs.

8. As a sequel, Miscellaneous Petitions if any, pending in this writ petition shall stand closed.

JUSTICE S.V. BHATT.

28/01/2015
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HONOURABLE SRI JUSTICE S.V. BHATT

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