

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.1136 OF 2015

ORDER:

Heard Sri Ch.Samson Babu, learned counsel for the petitioner and the Government Pleader.

The petitioner prays for Mandamus declaring the action of 3rd respondent/Sub-Registrar in refusing to register the house plot bearing No.9-83 in Sy.No.189/2 of Almanda Village, Jami Mandal, Vizinagaram District, as illegal and contrary to the provisions of the Registration Act.

Having regard to the nature of controversy, I am not considering the averments on title etc. The short grievance of petitioner is that the 3rd respondent is under legal obligation to receive the document concerning the subject matter and register the same, as the subject property is not covered by any of the contingencies referred to in Section 22-A of the Registration Act.

The learned Government Pleader, on instructions, submits that the petitioner, as a matter of fact, did not present the document for registration. Adverting to Sy.No.189/2 of Alamanda Village, it is stated that the said survey number is classified as Gramakantam in the list forwarded by Tahsildar. The petitioner relies upon the list of porambokes in Jami Mandal. It is contended that Sy.No.189 is not included.

The short issue is – whether the 3rd respondent is justified in refusing to receive and register the document presented for registration for the subject property or not?

This Court in W.P.No.718 of 2015 dated 19.02.2015 has considered the authority of Government to include gramakantam lands in the prohibitory list under Section 22-A of the Registration Act. The

Government has issued G.O.Ms.No.56 Revenue (Assn.I) Department dated 16.02.2015 cancelling the earlier G.O.Ms.No.100, Revenue (Assn.I) Department, dated 22.02.2014.

For the above reasons, this Court is of the view that the 3rd respondent cannot refuse to register the document presented for registration concerning the property bearing house plot No.9-83 in Sy.No.189/2 of Almanda Village, Jami Mandal, Vizianagaram District by reference to the plot being shown as gramakantam. Therefore, the petitioner is given liberty to present the document along with a copy of this order and the 3rd respondent is directed to receive the document and register in accordance with law.

The writ petition is, accordingly, ordered as indicated above.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

S.V.BHATT, J

04th March, 2015

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