

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.25708 of 2015

ORDER:

Heard.

The petitioner's vendor purchased the property covered by Sale Certificate issued by the Additional Senior Civil Judge, Machilipatnam, being Sale Certificate No.2/2014 in E.P.No.80 of 2004 in O.S.No.254 of 2003, dated 31-10-2014. The petitioner purchased the property covered by the said Sale Certificate through registered Sale Deed, dated 07-04-2015, and presented the document for registration. The 2nd respondent is stated to have kept the document pending as P.No.82/2015 and directed the parties to produce pattadar passbooks and title deeds. Questioning the said action and insisting upon production of pattadar pass books and title deeds, the present writ petition is filed.

Learned counsel for the petitioner placed reliance upon the Circular issued by the Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh, Hyderabad, vide Memo No.G1/1249/2012, dated 29-01-2014, wherein the Commissioner has clarified as follows:-

“No need to produce pattadar pass books/title deeds where civil courts issue a decree/order/execute or sale deed in E.P. to the Judgment debtor (Sec.55 Act) relating to agricultural land.”

In view of the above, the 2nd respondent ought to have taken appropriate action, when the petitioner has filed representation on 03-06-2015 bringing the aforesaid fact to his notice.

In view of that, the 2nd respondent is directed to examine the said Circular and on being satisfied with the purchase in question is covered by the said Circular, register the document and release the same to the petitioner. In the event of the 2nd respondent not being satisfied with the purchase, the 2nd respondent shall pass a reasoned order of refusal, so that the petitioner can atleast have remedy before the appellate authority.

Hence, the writ petition is disposed of. No order as to costs.

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

VILAS V.AFZULPURKAR, J

Date: 21-08-2015

Prv

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