

HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 17899 of 2013

ORDER :

Petitioner prays for Mandamus declaring Proceedings RC.No. 7905/2012/A, dated 22/09/2012 of 4th Respondent and the consequential endorsement in registration of document No.3/2013 dated 15.06.2013 [P.No. 183/2013] of 2nd respondent refusing to register the document for the property covered by Sy.No.107/22 of Pendurthi Village and Mandal as illegal, amounts to refusing to exercise the jurisdiction vested in 2nd respondent and unconstitutional.

The subject matter of writ petition is 167 sq.yards in R.S.No. 107/22 of Pendurthi Village and Mandal of Visakhapatnam District.

The case of petitioner is that an extent of Ac.0-80 cents in survey No.107/22 of Pendurthi Village belongs to one M.Suramma W/o late Pappaiah. M.Suramma, through registered sale deed dated 23/03/1919, sold the property in favour of Dittakavi Suryanarayana vide document No. 33/1919 in the Office of Joint Sub-Registrar, Visakhapatnam. On 12.08.1981 Dittakavi Suryanarayana executed sale deed in favour of N.Appanna and B.Pydamma. The petitioner through registered sale deed dated 02.03.1994 purchased the subject matter of the writ petition from N.Appanna.

The petitioner relies upon these transactions in support of her assertion that the subject matter of the writ petition cannot be included in prohibitory list under Section 22-A of the Registration Act, 1908 (for short 'the Act'). For, the inclusion arises, if the plot attracts one circumstance or the other stated in Section 22-A (1) clauses (a) to (d) and further that if a notification under Section 22-A (2) of the Act is issued. The petitioner places strong reliance upon proceedings Rc.No.3973/2012/E.1 dated 26.07.2014 addressed by the Joint collector, Visakhapatnam to Commissioner and Inspector General of Registration and

Stamps, Hyderabad in support of the case that inclusion in prohibitory list is erroneous in fact and law, the document ought to be registered. The communication reads as under:

Rc.No.3973/2012E.1 Dt: 26-7-2014 Collector's Office,
Visakhapatnam.

From To

Pravin Kumar, I.A.s., Commissioner and Inspector General
Joint Collector, of Registration and Stamps, 5-3-953,
Visakhapatnam. Registration Bhavan, MJ market
Road, Hyderabad – 1.
Sir,

Sub: De-notify of Lands U/s 22-A AP Registration Act –
Visakhapatnam District – Pendurthy Mandal – Pendurthy
Village – Sy.No.107/4P and 12 admeasuring 600 Sq.Yards –
Representation of Smt. K.S.P.E.Rajeswari W/o Murthy –
Request to de-notify of the land from the list of Govt. Lands
U/s 22-A – Reg.

Ref: 1. Prajavani Complaint No.40013 Dt: 3.12.12, 16.5.2013,
4.11.13 and 22.6.2013.
2. This Office Lr.Rc.No.3973/2012/E1 Dt: 16.5.2013 addressed
to the Tahsildar, Pendurthy.
3. Rc.No.36/2014/R1-I Dt: 3.2.2014 of the Tahsildar,
Pendurthy.
4. Call No. 17 Dt: 30.6.2014 in Dial Your Collector Programme.
5. Lr.Rc.No.992/2013/A Dt: 3.7.2014 of the Revenue Divisional
Officer, Visakhapatnam.

* * * * *

I invite kind attention to the references cited.

I submit that Smt.K.S.P.E.Rajeswari W/o KNVGK Murthy duly requesting to de-notify of the land measuring 600 Sq.yards (3 plots @ 200 sq.yds) in a private layout covered in Sy.No.107/4P and 107/12 of Pendurthy (V) and Mandal which is said to be purchased by her through sale registered deeds.

In this connection, the Tahsildar, Pendurthy has reported that the land in Sy.No.107 of Pendurthy (V) having 24 sub divisions viz 107/1 to 107/24 and the total extent of land is Ac.66.83 Cts. Out of which,

the Sy.No.107/1A (0.17) Cts) and 107/11 (Badam Tank) (Ac.8.08Cts) are classified as “Govt Lands” and the remaining sub divisions are classified as “Inam Dry”. Further, the lands covered in Sy.No.107/1 to 23 measuring 0.17 Cts was notified in Government Lands Register U/s 22-A noted as “All sub divisions are covered under Inam due to vested with Govt” at remarks column due to non-conversion into Ryotwari Dry and the same was communicated to the Registration Department. The Tahsildar has confirmed that the claim land admeasuring an extent of 600 Sq.Yards is not fallen in Govt. lands list.

In this context, I submit that the Sy.No.107/1A (0.17 Cts) and 107/11 (Badam Tank) (Ac.8.08 Cts) are classified as “Govt. Lands” and remaining are “Inam Lands”, hence, there is an error in notifying the entire Sy.No.107 in the list of Govt. lands under Registration Act.

In view of the above circumstances, I request to issue necessary instructions to the Sub Registrar, Pendurthy and communicate orders duly de-notifying the land covered in 107/2,3,4,5,6,7,8,9,10,12,13,14,15,16,17,18,19,20,21,22,23 and 107/24 of Pendurthy (V), Pendurthy Mandal admeasuring an extent of Ac.53.22 Cents stands classified as “Inam Pubnja” from the notification U/s 22A of AP Registration Act with the following errata.

For		
Sy.No.	Extent Ac.Cts	Classification
107/1 to 23	0.17	Inam

Read		
Sy.No.	Extent Ac.Cts	Classification
107/1A	0.17	Govt.Land
107/11	8.08	Badam Tank

Yours faithfully,

Sd/- Pravin Kumar

Joint Collector,

Visakhapatnam.

The Commissioner and Inspector General of Registration and Stamps through memo No.G1/4225/2013 dated 25.08.2014 has directed the District Registrar, Visakhapatnam as follows:

Office of the Commissioner and Inspector General of
Registration and Stamps, A.P., Hyderabad.

Memo.No.G1/4225/2013 Dated: 25.08.2014

Sub: Registration and Stamps – Certain lands in Various Villages in
Visakhapatnam Dist., Request for De-notification/Withdrawal
of lands from the purview of Section 22-A of Registration Act,
1908- Reg.

Ref: 1. Joint Collector, Visakhapatnam Rc.No.3973/2012/E1 dated
26.07.2014.

2. C&IG (R&S), A.P., Hyderabad Memo.No.G1/19131/2005 dt:
21.07.2014.

& & &

A copy of the above reference cited is enclosed herewith. The District Registrar, Visakhapatnam is directed to modify the prohibited properties as proposed in the reference 1st cited and as per the orders issued by this Office in the reference 2nd cited. Further, he shall communicate the same to the Sub-Registrars concerned under proper acknowledgement for taking necessary action.

(By order)

Encl: As above.

Sd/- G.Subbarayudu

For Commissioner and Inspector General of
Registration and Stamps, A.P., Hyderabad.

From the above correspondence, it is further contended that the respondents as a matter of fact cannot now refuse to receive document for registration by reference to the inclusion of subject matter in prohibitory list under Section 22-A of the Registration Act. The petitioner prays for a direction to 2nd respondent to receive and register the document presented in P.No.183/2013 and pass orders for registration.

The 4th respondent filed counter affidavit for himself and for respondents 3 and 5. The 4th respondent by way of reply among other things refers to the provisions under A.P.Inam (Abolition and Conversion into Ryotwari) Act, 1956 and alleges that there shall be re-grant in favour of the predecessors-in-interest of petitioners or for that matter the petitioner to claim right or title to property.

Learned Government Pleader, on instructions, admits the correspondence referred to above and also the memo dated 25.08.2014 issued by the Commissioner and Inspector General of Registration and Stamps. Had it been a case where if the reply of respondents justifies inclusion of subject matter of writ petition in prohibitory list and continuation of the property in the prohibitory list, this Court is required to examine the title deeds on which the petitioner is relying upon to contend that the subject matter of the writ petition is private patta/ryoty land and registration cannot be refused.

On the other hand, through the proceedings/memo referred above, the factual error that crept in inclusion of Sy.No.107/22 in prohibitory list is introduced by the Revenue Department itself and appropriate action is taken for deleting Sy.No.107/22 from the prohibitory list.

With the issue of memo dated 25.08.2014, there ought not to be any objection for 2nd respondent to receive the document pending No.183/2013 and complete registration.

It is clarified that while disposing of the writ petition, this Court has considered the erroneous inclusion of Sy.No.107/22 and the rectification effected through letter dated 26.07.2014 and memo dated 25.08.2014. The order is also confined to the subject matter of the writ petition alone.

The writ petition is ordered by directing the 2nd respondent to complete the process by registration of P.No.183/2013 by reference to the memo dated 25.08.2014 within a period of one week from the date of receipt of a copy of this order. No order as to costs.

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

S.V. BHATT, J

Date: 09.04.2015

KLP

