

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.21009 of 2015

BETWEEN

Potnuru Easwara Prasad and two others.

... PETITIONERS

AND

The State of A.P., rep. by its Principal Secretary, Revenue (Registration)
Department, Secretariat, Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioner: MR. A. GIRIDHAR RAO

Counsel for the Respondents: GP FOR REVENUE (AP)

The Court made the following:

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ORDER:

Petitioners seek to purchase Plot No.131 in Sy.Nos.53/3, 54/3, 54/4,
55/1 and 55/2 admeasuring 266 sq. yards situated at Sri Surya Tulasi Nagar,

Chinagadili Mandal, Visakhapatnam District.

Petitioners submit that the Pothina Mallayyapalem Employees Co-operative House Building Society was allotted an extent of 25 acres in the aforesaid survey numbers, which they have developed into a layout. The said society initially executed a sale deed in respect of Plot No.131 in favour of one its members vide document No.9657/1983.

The said member subsequently sold the said plot to another person vide document No.147/1986 and the said plot was further alienated under document No.805 of 1993, which the petitioners now seek to purchase. On the allegation that the Sub-Registrar, third respondent herein, is refusing to entertain the document presented by the vendor of the petitioners, the present writ petition is filed.

2. It is evident from the documents produced along with the writ petition that the registration is refused on the ground of instructions as contained in G.O.Ms.No.585 Revenue (Registration)-I) Department dated 04.05.2005.

3. Heard learned Government Pleader for Revenue, who also placed reliance upon the aforesaid G.O.

4. However, it is evident that the then existing Section 22-A of the Registration Act was struck down by this Court in WP.No.14093 of 2003 and batch under judgment of the Division Bench dated 17.02.2005. The aforesaid G.O. accordingly stood nullified.

Hence, the very same G.O. cannot be now put against the petitioners to refuse registration. It is also on record that the very same contention was considered by this Court in WP.No.18221 of 2013 under judgment dated 28.06.2013 wherein the document presented for registration with respect to Plot No.307 of the very same layout was directed to be processed and registered in accordance with the Registration Act and Indian Stamp Act.

Following the aforesaid decision, this writ petition is also allowed and

the operative portion in the earlier writ petition is reiterated in this writ petition,
as under:

“For reasons alike, G.O.Ms.No.585 dated 04.05.2005 would also not operate once the parent provision was invalidated. The writ petition is accordingly allowed setting aside the G.O.Ms.No.585 dated 04.05.2005. The registration authorities shall entertain and process the document presented by the petitioner in respect of her land in Survey Nos. 53/3, 55/2, 54/3 and 55/4 of Pothina Mallaiah Palem Village, Visakhapatnam Rural Mandal, without reference to the fact that the said lands were included in the list appended to G.O.Ms.No.585 dated 04.05.2005.

In the event the document presented is found to fulfil the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899, the registration authorities shall complete the registration formalities and release the document in accordance with the due procedure ...”

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

July 13, 2015
DSK