

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH**

* * * *

WRIT PETITION No.20318 of 2015

BETWEEN

Smt. Darga Revathi.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Secretary, Revenue Department
(Stamps & Registration), Secretariat, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 20.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | 0No |
| 2. | Whether the copies of judgment may be
marked to Law Reporters/Journals | No |
| 3. | Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | No |

ORDER:

Learned counsel for the petitioner seeks permission of this Court to correct the cause title. Permission accorded.

2. Petitioner claims to have purchased the house bearing Plot No.4 admeasuring 133.33 sq. yards in Sy.No.99/F2 situated at Mamidalapalli village, Kurnool District under a registered sale deed vide document No.9788/2003 and that her vendor and his predecessors in title were in possession of the said property for more than 80 years. Petitioner's vendor earlier obtained a decree against the Government in O.S.No.47 of 1972 before the Principal District Munsif, Kurnool and the judgment and decree in the said suit dated 26.07.1973 became final. Thereafter, the petitioner purchased the said property. Petitioner's vendor had also filed WP.No.20891 of 2008 before this Court when an endorsement was given by the Joint Sub-Registrar refusing registration on the ground that the land is Government land, as per the revenue records, in ignorance of the decree granted by the civil Court. In the said writ petition, it was noticed that the decree of the District Munsif, Kurnool was further confirmed by the Special Tribunal-cum-District Judge in O.P.No.177 of 1989 dated 20.08.1990 and that the said orders have become final. On noticing the above, this Court held that the judgment and decree of the trial Court in O.S.No.47 of 1972 had attained finality and the said entries in the revenue record become irrelevant and accordingly, allowed the writ petition.

3. Now the petitioner proposes to sell the said property for family necessities and it is alleged that when the petitioner went to seek market value details, the second respondent did not entertain the document and did not furnish the market value on the self-same grounds. Hence, the present writ petition is filed.

4. It is evident from the above that the orders of this Court in the writ petition, referred to above, have attained finality and the dispute relating to the very same survey number was already decreed in favour of the vendor of the petitioner by the civil Court in the aforesaid suit. Hence, as the issue is no more in controversy, the second respondent cannot refuse to entertain the document proposed to be presented by the petitioner on the self-same ground.

Hence, the writ petition is disposed of directing the second respondent to furnish the market value certificate and then receive, entertain and process the document of sale presented by the petitioner relating to the aforesaid property and if it is found in accordance with the provisions of the Registration Act and the Stamp Act, register and release the same. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

July 20, 2015
DSK

VILAS V. AFZULPURKAR, J