

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

* * *

WRIT PETITION No. 30648 of 2015

BETWEEN

Panchakarla Venkateswara Rao

... PETITIONER

AND

The State of Andhra Pradesh, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 21.09.2015

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? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

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ORDER:-

Heard learned counsel for the petitioner and learned government
pleader for Revenue.

2. Petitioner states that he was granted land to the extent of
Ac.2-21 cents in survey No.177/5 of Machilipatnam, Krishna District under a

D-Form patta dated 03.06.1972. Since then petitioner states that he continues to be in possession and enjoying the same. Copy of the D-form patta in L.D.No.630/87 dated 03.06.1972 is produced along with the writ petition. Petitioner now states that because of the old age and health problems and in order to avoid disputes among the family members after his life time, he seeks to settle the said land among his children viz., one son and four daughters and for that purpose he intends to execute a settlement deed among his children. The said document was refused to be entertained by the second respondent on presentation. Questioning the said action of the second respondent, the present writ petition is filed.

3. Learned counsel for the petitioner states that petitioner is conscious of the condition in the patta that it is heritable and not transferable and since the children of the petitioner would inherit the said land after the petitioner and to ensure that there is no dispute among them, petitioner seeks to execute a deed of settlement among his family members only and for this there is no impediment in registering the document.

4. As long as the prohibition under the patta regarding alienation is not violated, to the extent of heritability of the assigned land in future, petitioner is entitled to execute a deed of settlement among the children and there appears no impediment in entertaining the document by the Sub-Registrar for registration.

5. In view of that, the writ petition is disposed of permitting the petitioner to present appropriate deed of settlement and the second respondent is directed to receive and process the same. The second respondent shall also satisfy himself after examining the original patta certificate and on verifying that the settlement is only in favour of children of the petitioner, he shall be entitled to process the said document for registration and after satisfying the compliance under the Stamp Act and the Registration Act pass appropriate orders.

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

September 21, 2015
LMV

VILAS V. AFZULPURKAR, J