

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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**WRIT PETITION Nos.11061, 11170, 11174, 11180, 11182, 11637,
11638, 11661, 11690 and 11973 of 2011**

COMMON ORDER:

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Heard learned counsel for the petitioners and learned counsel for the respondents. As the issue involved in these writ petitions is one and the same, they are disposed of by this common order.

These writ petitions came to be filed to declare the action of the respondents in refusing to register the sale deed on the ground that the said land is an assigned land, is illegal and arbitrary and consequently direct the respondents to register the sale deeds to be presented by the petitioners in respect of the various extents of lands situated at Kethavaram Village, Krishnaraopalem, T.Narsapuram Mandal, Venkatapuram Village, Sitanagaram Village, Gurubhatlagudem Village, Chintampalli Village, Chintalapudi Mandal, without treating the lands as assigned lands.

The averments in the writ petition are that the petitioners purchased agricultural lands of various extents situated at Kethavaram Village, Krishnaraopalem, T.Narsapuram Mandal, Venkatapuram Village, Sitanagaram Village, Gurubhatlagudem Village, Chintampalli Village, Chintalapudi Mandal by participating in the public auction conducted by the deputy registrar/Special Officer on behalf Chintalapudi Primary Agricultural Society, K.Jaggavaram Primary Agricultural Society and Sithanagaram Primary Agricultural Society and issued Form No.10-sale certificate. It is stated that the petitioners, with an intention to sell away the property, entered into an agreement of sale and received part of sale consideration from a purchaser. Subsequently, when the petitioners applied for valuation

certificate to know the stamp duty and registration fee, the first respondent, as per the information given by the second respondent, replied that these lands are assigned lands and cannot be registered. Questioning the action of the respondents, the present writ petition came to be filed.

Learned counsel for the petitioners submits that though it was originally an assigned land, after the auction being conducted by the District Co-operative Central Bank, the nature of land will be converted into an un-assigned land. He further submits that the issue involved in these petitions is squarely covered by a judgment of this Court in ***Sub Registrar, Srikalahasti, Chittoor District Vs. K.Guravaiah***, wherein, an appeal filed questioning the order dated 26.07.2007 in W.P.No.14750 of 2007, was dismissed.

The point that arises for consideration is whether the Sub-Registrar was right in refusing to register lands, which were purchased by the petitioners in a public auction.

In W.P.No.14750 of 2007, this Court passed an order holding as under:

“the writ petition is allowed, and it is directed that the properties purchased by the petitioners, in the sales conducted by the District Co-operative Central Bank Ltd., Chittoor, shall not be treated as assigned lands, and the documents presented for transfer, shall be entertained by the 1st respondent, and processed, in accordance with law.”

Subsequently, an appeal was filed by the respondents therein which was dismissed on the ground that Section 5 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, ‘the Act’) would not come in the way of the parties in the matter of registration of the document. In the present case, the land was purchased by petitioners in the public auction conducted by Primary Agricultural Society. Sections 5 of the Act which deals with prohibition of registration of assigned lands and Section 6 of the Act deals with exemption for Section 5 read as under:

“Section 5 of the Act of 1977- Prohibition of registration of

assigned lands:

Notwithstanding anything in the Registration Act, 1908, on or after the commencement of this Act, no Registering Officer shall accept for registration of any document relating to the transfer of, or the creation of any interest in, any assigned land included in a list of assigned lands in the district which shall be prepared by the District Collector and furnished to the Registering Officer, except after obtaining prior permission of the District Collector concerned for such registration.

Section 6- Exemption: Nothing in this Act shall apply to the assigned lands held on mortgage by the State or Central Government, any local authority, a Co-operative Society, a scheduled bank or such other financial institution owned, controlled or managed by a State Government or the Central Government, as may be notified by the Government, in this behalf.”

In view of Section 6 of the Act and having regard to the order of this Court dated 26.07.2007, passed in W.P.No.14750 of 2007, the writ petitions are allowed directing the Sub-Registrar to register the sale deeds produced by the petitioners in respect of their properties in dispute. No costs.

Consequently, miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

JUSTICE C. PRAVEEN KUMAR

10.08.2015

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