

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.12513 OF 2014

ORDER:

The petitioner complains against the inaction of respondents in receiving and registering the document for the property in Sy.No.1857/A of Senagalaguduru Village, Putlur Mandal of Anantapur District, as illegal and unconstitutional.

The petitioner claims to be the absolute owner and possessor of the petition land. The case petitioner is that the petition land was and is not assigned land or much less any of the eventualities stated in Section 22-A of the Registration Act are attracted.

The petitioner relies upon the communication dated 27.07.2013 addressed by the 3rd respondent to the Revenue Divisional Officer, Anantapur District for exclusion or deletion of petition lands from the prohibitory list maintained by the 4th respondent.

The learned Government Pleader places before the Court the written instructions dated 03.03.2015. The relevant portion of the instructions is as follows:

“I submit that one Smt.K.Sujatha w/o late K.Jaya Prakash Rao, of Senagla Gudur Village, Putlur Mandal has filed a W.P.No.12513 of 2014 for directing the 4th respondent for registration and release of the documents in Sy.No.1857-A an extent of Ac.2-05 cents and Sy.No.1858-A an extent of Ac.0-69 cents of Senegala Gudur Village of Putlur Mandal of Anantapur district.

As verified from the village revenue records the Sy.No.1857-A an extent of Ac.2-05 cents and Sy.No.1858-A an extent of Ac.0-69 cents are stands register in the name of Smt.Karanam Nagamaniyanamma, w/o Lakshmana Rao vide in IB No.755 of Senagala Gudur village of Putlur Mandal and as seen from the RSR it is a private settlement patta.

In this connection, I submit that the pattadar died long back. The daughter-in-law of the pattadar i.e., the present petitioner has requested the 4th respondent for respondent

for registration of the land. The 4th respondent has refused the registration for want of No Objection Certificate from the revenue authorities as the lands are included in the prohibited list
i.e., 08 lists.

In this connection, I submit that it is a fact by mistake that the lands are enlisted in the prohibited lands of the village. The pattadar is having 4 sons names 1.K.Jaya Prakash Rao, 2.K.Seshagiri Rao, 3.K.Vijaya Krishnameenan, 4.K.Bala Gangadhar. They are right owners of the lands. In this connection, the present petitioner is not a proper person for filed W.P in the Hon'ble High Court of A.P., Hyderabad.

In the above circumstances, the Hon'ble High Court may be kindly be disposed on the interest of the Justice."

From the above, it is clear the 3rd respondent admits that inclusion of petition lands in prohibitory list is a mistake of fact and ought to be rectified. The stand of the 3rd respondent is placed on record and writ petition is ordered as follows:

- i) The 3rd respondent forthwith communicates to the 4th appropriate orders excluding the petition lands from the prohibitory list maintained by the 4th respondent.
- ii) The 4th respondent is directed to receive and process the document for registration in respect of the petition lands as and when presented by the petitioner without reference to the prohibitory list maintained in this behalf and complete the registration, if the document is otherwise any order.

There shall be no order as to costs.

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

S.V.BHATT, J

06th March, 2015
Lrkm

