

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

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**WRIT PETITION No.21647 OF 2015**

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Between:

Avilala Munemma.

.. Petitioner

And

The State of A.P. and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 10-08-2015

**SUBMITTED FOR APPROVAL:**

**HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR**

1. Whether Reporters of Local newspapers Yes/No  
may be allowed to see the Judgment?

2. Whether the copies of judgment may be Yes/No  
marked to Law Reporters/Journals

3. Whether Their Lordship wish to  
see the fair copy of the Judgment? Yes/No

**HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR**

**W.P.No.21647 of 2015**

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**ORDER:**

Heard.

The 4<sup>th</sup> respondent is present in the court and his presence is no more required in the present case.

It is the case of the petitioner that patta was granted to her husband late Chennaiah to the extent of the land admeasuring Ac.1-64 cents in Sy.No.476/2 situated at Avilala Village, Tirupati Rural Mandal, Chittoor District, under D-form patta No.46/4/1361, dated 25-10-1951 and after the death of her husband on 05-09-2006, the petitioner and her sons are in possession and cultivating the said land. It is stated that the petitioner's husband was also issued pattadar passbooks and title deeds in respect of the said land. The petitioner intends to alienate the said land for the family requirements and she is stated to have approached the 4<sup>th</sup> respondent on 02-07-2015 for issuance of market value certificate. The 4<sup>th</sup> respondent is declined to receive the document and insisted the petitioner to obtain NOC from the 3<sup>rd</sup> respondent. Hence, the present writ petition is filed.

Learned Government Pleader has received instructions from the Sub-Registrar, Tirupati Rural, Chittoor District-4<sup>th</sup> respondent, which state that the land in question in Sy.No.476/2 is included in the prohibited list on the ground that it is an assigned land. It is further stated that the petitioner has not presented any document for registration in the 4<sup>th</sup> respondent's office and it is also stated that if the document is presented by the petitioner, the same will be examined as per the Indian Stamp Act, 1899 and Registration Act, 1908.

If the petitioner's contention that the land was originally assigned to her husband on 25-10-1951 under a patta, as noted above, is correct, obviously the said land does not contain any condition of non-alienation and thereby the land would cease to be an assigned land within the meaning of the A.P.Assigned Lands

(Prohibition of Transfers) Act, 1977. The above aspect is required to be examined by the 3<sup>rd</sup> respondent and accordingly he has to inform respondents 2 and 4 regarding registerability of document of alienation of the said land as proposed by the petitioner.

The writ petition is, therefore, disposed of directing the 3<sup>rd</sup> respondent to verify the record as to whether the petitioner's aforesaid contention is factually correct and after due verification, he shall inform the same to respondents 2 and 4 to enable them to receive the document proposed to be presented by the petitioner with respect to the said land and process the same in accordance with the Indian Stamp Act and Registration Act. The 3<sup>rd</sup> respondent shall act accordingly and send an appropriate report to respondents 2 and 4 within four weeks from the date of receipt of a copy of this order. No costs.

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

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**VILAS V.AFZULPURKAR, J**

Date: 10-08-2015

Prv

**HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR**

**W.P.No.21647 of 2015**

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**10-08-2015**

Prv