

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.27846 of 2015

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ORDER:

Heard.

The petitioners state that the father of the 1st petitioner and the husband of the 2nd petitioner purchased the lands in question under auction conducted by the District Co-operative Central Bank, Chittoor, and in terms of the ratio of the decision of this Court in ***SUB-REGISTRAR, SRI KALAHASTI Vs. K.GURUVAIAH*** reported in (2009 (3) ALT 85 (D.B.), the provision of Section 5 of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 will not apply to such lands and, therefore, pray to issue necessary directions to the 3rd respondent to receive the documents and register the lands purchased by them through auction. The petitioners also state that they have been given Sale Certificates as auction purchasers under Sub-Rule 14(v) of Rule 52 of the Rules framed under the A.P.Co-operative Societies Act, 1964 and they intend to alienate the very same land covered by the Sale Certificates. However, the 3rd respondent is not receiving and entertaining the documents on the ground that the said lands are recorded as assigned Government lands.

The 3rd respondent cannot refuse to receive the documents and decline to examine the same. Prima facie, the 3rd respondent has to examine the Sale Certificates produced by the petitioners and keep in mind the ratio of the Division Bench, referred to above, and then process the document presented by the petitioners for registration in relation to the lands in question. In the event the 3rd respondent is of the opinion that the documents warrant refusal of registration, he shall pass appropriate orders duly recording the reasons for such refusal in accordance with Section 71 of the Registration Act. If, however, the documents are found to be complied with all legal requirements, he shall register the same and release it in accordance with

due procedure.

Accordingly, the writ petition is disposed of. No order as to costs.

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

VILAS V.AFZULPURKAR, J

Date: 01-09-2015

Prv