

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

TUESDAY, THE THIRTIETY DAY OF JUNE
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.18382 of 2015

BETWEEN

A.C.Nagaraju

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary (Department of Revenue), A.P. Secretariat Building, Hyderabad and others.

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. Petitioner claims to be owner of the land admeasuring Ac.8-88 cents in Survey No.28 of Settipalli Village, Chilamathur Mandal of Anantapur District, by virtue of the registered sale deed dated 22.01.2007. Petitioner states that the said land was assigned to one Karanam Srinivasa Rao way back in the year 1928 and there have been number of transactions thereafter on 27.10.1952, 06.02.1962 and 21.09.1970 etc., and all the said transactions are by registered documents including purchase by the petitioner on 22.01.2007. Petitioner now proposed to sell the said land to respondent No.4 and

presented a sale deed dated 08.06.2014 for registration before the Sub-Registrar. However, on the ground that the said land is included in the list of prohibited categories of land, respondent No.4 is stated to have refused to receive the document. The said action is questioned in this writ petition and also direction is sought against respondent No.2 for deletion of the said land from the list of prohibited category.

3. Learned Government Pleader has received instructions from respondent No.3, which state that the aforesaid land, which was classified Government assessed waste, was assigned under DAR Dis.No.132/1336 Fasli dated 12.02.1926 to one Karanam Srinivasa Rao and after his demise, the patta was transferred in the name of his two sons and incorporated in the 10(1) account. One of the sons sold the property to Narsimhareddy, Subbi Reddy and Eswar Reddy under a document of the year 1983 and accordingly, their names were incorporated. Subsequently, the land was subdivided and the pattadar passbooks were later issued with regard to sub numbers.

4. Instructions, referred to above, therefore, do not dispute the statement of the petitioner that the land was assigned in 1926 and at that time there was no condition prohibiting alienation and it is evident that number of transactions have already been registered with regard to the said land till 2007 viz., the last sale deed in favour of the petitioner. Obviously, therefore, since there is no condition prohibiting alienation, the land appears to have been wrongly included in the list of prohibited categories and consequently, therefore, respondent No.4 is unable to register the document proposed by the petitioner.

5. In view of the fair stand taken by respondent No.3, as recorded above, writ petition is disposed of directing respondent Nos.2 and 3 to take immediate steps to rectify the list of prohibitory categories, which were intimated to respondent No.4 by deleting the land claimed by the petitioner, as above, and after such a modified list is received, the list shall be modified within four weeks from the date of receipt of a copy of the order and thereafter respondent No.4 shall entertain the document presented by the

petitioner and process and register the same in accordance with law under the Stamps and Registration Act.

With the above direction, writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

June 30, 2015

LMV