

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.35189 of 2014

Oral Order:

Heard Sri Gopala Krishna Gorle, learned counsel for the petitioner and the learned Government Pleader for Revenue (A.P.)

The subject matter of the writ petition is an extent of Ac.3.70 cents in Sy.No.170/4, 170/5, 171/2 and 171/3 (old Sy.Nos.225/2B, 225/2A) of Pathrunivalasa village, Srikakulam Mandal and District. The petitioner prays for Mandamus declaring the action of the 3rd respondent in either not registering the document presented for registration or the endorsement dated 26.2.2014 as illegal, arbitrary and unconstitutional. The petitioner prays for a further direction to the 3rd respondent to receive and process the document for registration presented for the subject matter of the writ petition, without reference to the list communicated by the 2nd respondent. The endorsement dated 26.2.2014 reads as follows :

“ Endorsement :

Returned.

This document executed on 20.2.2014 by Lade Santharao Gupta and others on behalf of Sri Venkateswara Developers, Srikakulam Regn. No.9/2013 in favour of Vaddi Satheesh of Srikakulam for consideration of Rs.1,60,000/- consists of Sy.Nos.171/2 and 171/3 situated at Pathrunivalasa Village of Srikakulam Mandal is presented on 25/2/2014 for Registration.

The above Survey numbers emerge that the property covered by the document is the one referred to in clause (a) of sub-section 1 of Section 22-A of Registration Act prohibited from Registration, since the said Sy. Nos are included in the list of Government lands supplied by the Tahasildar, Srikakulam through letter Rc.No.158/07 dated 18.8.2008.

Hence the document is returned. ”

The petitioner claims to be absolute owner and possessor of the subject matter of the writ petition. On 25.2.2014 the petitioner presented the document for registration concerning the subject matter of the writ petition. With the endorsement referred to above, the document was returned.

For consideration of the writ prayer, this Court would have certainly considered the averments stated in detail by the petitioner had the 2nd respondent justifies the endorsement dated 26.2.2014. The 2nd respondent in the counter affidavit admits the mistake of fact for inclusion of the subject matter in the prohibitory list. The 2nd respondent refers to the correspondence undertaken by the Revenue Department with the Registration Department for rectification of admitted fact in including the subject matter in the prohibitory list. The 3rd respondent considers prohibiting registration of documents presented by a party if such a document covers a survey number included in the prohibitory list provided the details in the list are legal and factually tenable. The inclusion or exclusion of properties is not as per the details available with the 3rd respondent, but on the information given by the 2nd respondent. When it is admitted by the 2nd respondent that the inclusion at first instance is on account of mistake of fact and the subject matter is “Zeroiti” -

wet land, the 3rd respondent continue to treat the subject matter as government land and refuse registration. The writ petition is therefore ordered by directing the 3rd respondent to register the document presented by the petitioner for the subject matter of the writ petition without reference to the alleged inclusion of subject matter in the prohibitory list at the instance of the 2nd respondent. Process of registration be completed within a period of one week from the date of receipt of copy of this order.

The writ petition is ordered accordingly.

Pending miscellaneous petitions, if any, shall stand closed in consequence. No order as to costs.

JUSTICE S. V. BHATT

Dated : 28.4.2015

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