

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

MONDAY, THE THIRTEENTH DAY OF JULY  
TWO THOUSAND AND FIFTEEN  
PRESENT

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

**WRIT PETITION No.20971 of 2015**

**BETWEEN**

Smt. Tadi Chinnammalu.

**... PETITIONER**

**AND**

The Sub Registrar, Madhurawada, Visakhapatnam District and another.

**...RESPONDENTS**

**Counsel for the Petitioner: SMT. N (P) ANJANA DEVI**

**Counsel for the Respondents: GP FOR REVENUE (AP)**

**The Court made the following:**

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**ORDER:**

Heard.

2. Petitioner claims to have purchased an extent of 255.3 sq. yards in

Sy.No.56/2 of Potinamalliahpalem, Visakhapatnam from the sons of an ex-serviceman, Late Puppala Appala Swamy, under a registered sale deed dated 03.11.2000. Petitioner states that the ex-serviceman was assigned an extent of Ac.5.00 cents of land in two survey numbers i.e. an extent of Ac.4.43 cents in Sy.No.56/2 and an extent of 57 cents in Sy.No.57/2 under DR.No.2/1374 Special /SA-2/1375 under assignment dated 08.08.1965. Since 10 years period has long expired, petitioner intended to execute a sale deed relating to the aforesaid land and accordingly, on 04.06.2015, executed a document by paying the requisite stamp duty and registration fee. However, the grievance of the petitioner is that the first respondent has refused to register the sale deed on the ground that it is notified and prohibited under Section 22-A of the Registration Act.

3. Learned counsel for the petitioner has brought to the notice of this Court that the sons of the ex-serviceman had earlier approached this Court in WP.No.21325 of 2007 for the very same land complaining of the action of the Sub-Registrar in refusing to register the document for development agreement proposed to be executed by the sons of the ex-serviceman. This Court, after consideration, by order dated 03.02.2009 had allowed the writ petition and directed the then Sub-Registrar to admit the document presented by the petitioners therein, if it is otherwise found to be in order. Learned counsel for the petitioner states that the petitioner herein, now intends to execute a sale deed for the part of the very same land and the same objection is taken all over again.

4. Evidently, the land, in question, is also subjected to adjudication in the writ petition, referred to above and since the moratorium period has long expired, this Court ruled that the classification of the land becomes insignificant once it is not disputed that the land was an ex-serviceman's assignment and under G.O.Ms.No.1117 dated 11.11.1993 within the only condition that alienation is permissible after expiry of ten years of date of assignment. The said decision being binding on the respondents,

there is no reason for the first respondent to once again refuse to register the document presented by the petitioner with respect to the same survey numbers on the self-same ground, which was set aside earlier.

Hence, the writ petition is allowed. There shall be a mandamus as prayed for. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

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VILAS V. AFZULPURKAR, J

July 13, 2015

**Note:** Furnish C.C. of the order in one week.

(B/o) DSK