

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

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WRIT PETITION No.27518 of 2015

BETWEEN

C. Nagabhushana.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 28.10.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals? | No |
| 3. | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | No |

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ORDER:

Petitioner claims to be the owner of an extent of Ac.4.75 cents of land situated at Kalyandurg Village and Mandal, Anantapur District. Petitioner traces his title through his father and uncles with respect to total extent of Ac.19.82 cents in Sy.No.136/2 under a registered document dated 19.12.1949 and that under subsequent partition deed dated 25.04.1970 an extent of Ac.11.45 cents in the said survey number fell to his father's share and under a further partition deed dated 03.03.2004, petitioner, his brother and his father divided the property and an extent of Ac.4.25 cents fell to his share out of which he intends to sell an extent of Ac.2.50 cents for which the document was proposed but the fourth respondent refused to receive and register the same. Hence, the present writ petition alleging that the aforesaid land is a patta land.

2. Instructions received by the learned Government Pleader from the Tahsildar, Kalyandurg, confirms that the said land in an extent of Ac.19.82 cents in Sy.No.136/2 is classified as patta land, as per the diglot of Kalyandurg village and stands in the name of Jayam Gangappa Gari Narayanappa and the proposed extent of Ac.2.50 cents is under possession and enjoyment of the petitioner, who has also been issued pattadar pass book and title deeds vide IB Khata No.1384.

3. It is evident from the above that the petitioner's land is a patta land, which he intends to alienate. Hence, there is no impediment for the fourth respondent to receive and process the document in accordance with law.

4. In view of the above, the fourth respondent is directed to receive and process the document in accordance with the Registration Act, 1908 and Indian Stamp Act, 1899 and if the document is in conformity with the provisions of the aforesaid enactments, thereafter, register and release the document in accordance with the due procedure. It is also made clear that in

the event of registering authority not being satisfied with the compliance under the Registration Act or the Stamp Act, appropriate refusal endorsement together with reasons shall be recorded and communicated to the petitioner in terms of Section 71 of the Registration Act.

The 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

October 28, 2015
DSK