

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.32421 OF 2016

ORDER:

The case of the petitioner is that originally the land admeasuring Ac.1.64 cents in Sy.No.476/2 situated at Avilala Village, Tirupati Rural Mandal, Chittoor District was assigned to petitioner's father-in-law and after his death, the subject property was transferred and mutated in the name petitioner's husband. After the death of her husband on 05.11.2006, the petitioner is in possession of the subject land. While so, when petitioner approached the Sub-Registrar for registration of the subject land and to know the market value, the Sub-Registrar issued market value certificate on 13.06.2016 stating that the subject land is assigned land and the said survey number is prohibited for registration. Aggrieved by the same, the present writ petition is filed.

Learned Assistant Government Pleader for Revenue produced written instructions wherein it is stated that the subject land is classified as Government wet land and is assigned in favour of Toti Chengadu @ Avilala Chengaiah vide Taluk No.89/4/1351 dated 11.09.1941.

It is to be seen that prohibition of alienation regarding assigned land came into effect in the year 1954 in the state of Andhra Pradesh, as such the provisions of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 do not apply to the lands which were assigned prior to the year 1954. In the present case, even according to written instructions produced by

the learned Assistant Government Pleader for Revenue, the assignment was made in the year 11.09.1941. In view of the same, the 3rd respondent is directed to receive, register and release the document presented by the petitioner in respect of land in Sy.No.476/2 admeasuring Ac.1.64, if the same are in order as per the provisions of Stamps and Registration Act and Rules made thereunder without treating the said land as assigned land.

With the above direction, the writ petition is disposed of. No costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

13-10-2016
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A.RAJASHEKER REDDY,J

