

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.3105 OF 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The petitioner is a purchaser under the proposed sale deed, which was processed by giving pending document No.937/2015 on 04.12.2015. Under the impugned refusal order dated 05.12.2015, the said document has been refused on the ground that the executants have not produced the pattadar passbooks and title deeds as required under Section 6-D of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act'). The said refusal order is questioned in this Writ Petition *inter alia* on the ground that in the schedule of sale deed the property in question described as D.No.342/32/E admeasuring 5130.4 sq. yards is in fact a house site and not an agricultural land.

Learned counsel for the petitioner relies upon the Authentication List of Rural Basic Register (Form – IV), wherein Survey No.342/32/E at Narsaraopet is shown under classification 44(08) with Unit Value of Rs.72,60,000/-. The counsel also relies upon the details of Code and Classification mentioned at the bottom of the list, which shows that Code No.44 is referable to House Site and it is distinguished from Code No.45 which notifies agricultural land fit for house site.

The petitioner submits that since the land in question is classified as a house site and since he has paid stamp duty as per the Unit Value, as mentioned above, refusal on the ground of Section 6-D of the Act is erroneous inasmuch as the said Act itself is of no application and apparently the Joint Sub-Registrar – I, Narasaraopet, Guntur District, the 3rd respondent, has erroneously refused the document under misconception as if it is an agricultural land.

Prima facie, the document filed by the petitioner clearly shows that the land in question is classified under Code No.44 which refers to house site and if that be so, obviously the insistence for production of pattadar passbook would be erroneous.

In the circumstances, the impugned refusal order is set aside and the matter shall stand remitted to the 3rd respondent, who shall verify the Rural Basic Register (Form – IV) and after verifying the classification, follow the instructions of the Director and Inspector General of Registration and Stamps, Hyderabad, under Circular Memo No.G3/12238/2014, dated 07.09.2015, and then pass appropriate fresh orders in accordance with law.

The Writ Petition is accordingly allowed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

03.02.2016

KH