

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 14567 of 2015

ORDER :

This writ petition is filed challenging the refusal of registration of documents presented by the petitioner in respect of land to an extent of Ac.0.66 cents in Sy.No.57, situated at Kovvada Village, Kakinada Rural Mandal, on the ground that the schedule property is Gramakantam land. It is stated that the land to an extent of 0.20 cents was notified as pathway under Section 22-A of the Registration Act, 1908.

Learned counsel for the petitioner submits that there cannot be any refusal of registration on the ground that the land is notified as Gramakantam land. In support of his contention, he relied on the judgment reported in **Sigadapu Vijaya v. State of Andhra Pradesh and others¹**.

In **Sigadapu Vijaya v. State of Andhra Pradesh and others (supra)**, learned Single Judge of this Court held as follows:

“16. Therefore, occupied Gramakantam by its nature or classification does not belong to the Government to include the Gramakantam in the prohibitory list. Either under the Madras Estates Land Act or in the Estates (Abolition and Conversion into Ryotwari) Act exceptions have been carved out and Gramakantam is one of the categories of land which is not included in the Government lands. This Court is of the opinion that refusing to entertain document for registration on the ground that the subject property is classified as Gramakantam amounts to illegal refusal and consequently the writ petition is ordered by directing the Sub-registrar/2nd respondent to receive the document presented by the petitioner for registration of subject property without reference to the classification of petition land as Gramakantam, consider the same and pass orders for registration, if the document is otherwise compliant. No order as to costs.”

¹ 2015 (4) ALD 88

Learned counsel for the petitioner submits that this writ petition can be allowed after leaving the land to an extent of Ac.0.20 cents towards path way, since it is notified as such under Section 22-A of the Act.

In view of the same, the impugned order to the extent of Ac.0.66 cents in Sy.No.57 of refusal on the ground of Gramakantam land is set aside and the 2nd respondent is directed to entertain the documents filed for registration, if the document presented fulfils the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899. As far as litigation to the extent of Ac.0.20 cents, which is notified as pathway, is concerned, the impugned order is upheld and it is open for the petitioner to avail other remedies available under law.

Accordingly, this writ petition is allowed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

16.09.2016
kvs

A.RAJASHEKER REDDY, J

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Date: 16.09.2016

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