

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.22885 OF 2015

ORDER:

Heard Sri V.L.N.G.K.Murthy, learned counsel representing Ms V.L.N.Sindoorra, Advocate on record for the petitioner and learned Government Pleader for Revenue.

This writ petition relates to the grievance of the petitioner for not registering his pending document No.10 of 2015 by the 3rd respondent.

The petitioner is the absolute owner of the property admeasuring Ac.0.72 cents out of Ac.1.23 cents in Survey No.152 of Rangasamudram Village. The petitioner claims that the revenue authorities have already recognised his title and granted pattadar passbooks and title deeds. While so, he executed a sale deed in favour of V.Rama Subbareddy and on presentation of the same, the 3rd respondent assigned pending document No.10 of 2015. The 3rd respondent under his letter dated 02.07.2013 addressed to the 4th respondent to inform him that three ryotwari patta certificates are produced before him relating to land in Survey No.152 and registrations are sought under said ryotwari pattas. Hence, he requested to verify the said ryotwari pattas are genuine and emanating from the office of the 4th respondent. The 3rd respondent also wrote another letter dated 01.05.2014 to the 4th respondent that the said survey number is not included in the list of prohibitory properties supplied to the 3rd respondent in the year 2007 by the 4th respondent. Hence, requested to confirm the status of the land as to whether it is registrable or not. The 4th respondent under his communication No. Rc.B/176/2012, dated 03.05.2014 confirmed the genuineness of all the three ryotwari pattas and classification of the

land as dry and also enclosed a certificate of genuineness with patta number and date. Thereafter, the 3rd respondent sought clarification from the 2nd respondent as the market value of the land was not fixed for the said survey number and the said survey number is included in the list of prohibitory category, but the survey No.152 is not find place and to examine the matter and advise.

The 2nd respondent under his letter No.G1/387/2015, dated 18.06.2015 directed the 3rd respondent to once again confirm whether this survey No.152 is included in the list communicated by the revenue authorities in the prohibitory category. Again, the 3rd respondent under his letter No.177/P.No./2015, dated 24.06.2015 confirmed that the said survey No.152 is not included in the list of prohibitory category and the market value is also not fixed and that the genuineness of the pattas were confirmed by the 4th respondent. However, he requested for deletion of the land from the prohibitory category; apparently that created some confusion and the District Registrar under memo No.G1/387/2015, dated 04.07.2015 advised the 3rd respondent that the District Registrar being not the competent authority, the directions of the circular of the Commissioner and Inspector General of Stamps and Registration will have to be followed. Based on this long drawn correspondence that the petitioner's pending document is not being released, the present writ petition came to be filed.

The counter affidavit on behalf of the 3rd respondent is now filed which *inter alia*, confirms of the said correspondence in para 4 of the counter. However, on the ground that the District Registrar has not fixed the market value, claim made by the petitioner is denied.

It is evident from the above that in spite of hearing the matter

for many occasions, no counter affidavit from the 4th respondent is filed. Even otherwise from the correspondence of the 3rd respondent addressed to the District Registrar shows that the said Survey No.152 is not in the prohibitory category list. Consequently, deletion of the said land from the prohibitory category does not arise. Even otherwise, the list is required to be revised as per the directions given by the Full Bench of this Court in W.A.No.343 of 2015 and batch dated 23.12.2015.

Keeping all these aspects in mind and since the petitioner's pending document No.10 of 2015 has held up for a long time, it is appropriate to dispose of the writ petition with the following directions:

- 1) The 3rd respondent shall verify as to whether the land treated as included in the list of prohibitory category; The 2nd and 3rd respondent shall accordingly fix the market value and accordingly register and release the pending document No.10 of 2015 in favour of the petitioner expeditiously.
- 2) In the event of the aforesaid land bearing Survey No.152 being found included in the list of prohibitory category of lands, the petitioner is permitted to make detailed representation before the District Collector, YSR Kadapa District, who is competent to revise the list of prohibitory lands in accordance with Section 22-A of the Registration Act.
- 3) The District Collector even otherwise is required to revise the list under Section 22-A of the Registration Act in pursuance of the directions of the Full Bench referred to above and hence, shall take into consideration of the representation of the petitioner as directed above while revising the list of prohibitory category.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

25.01.2016
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DATE: 25.01.2016

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