

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.19124 OF 2016

ORDER:

The case of the petitioner is that he purchased the land admeasuring Ac.2.20 cents in Sy.No.702/2 from one Kalicherla Venkataramana who is the highest bidder pursuant to the auction conducted by the District Co-operative Central Bank Limited, Kadapa in respect of the land belonging to one Chittiboyal Chandradu and Kalicherla Venkataramana was also issued Form 10 Certificate of Sale after confirmation of the sale in his favour. Thereafter petitioner submitted the document for registration and the Sub Registrar (Urban) Kadapa has registered the document as Doc.No.288/2006, dated 07.09.2006 pending registration. When the petitioner questioned the same, the Sub Registrar insisted for NOC from the revenue authorities. Against the same, petitioner filed W.P.No.1429 of 2012 and this Court directed the Sub Registrar Kadapa to process the document presented by the petitioner without insisting for NOC and accordingly the Sub Registrar after verification released the document vide Doc.No.6159/12. After registration of the document the petitioner found that the survey number was wrongly mentioned and the same was rectified by the Deputy Registrar in Form 10 of Certificate of Sale and executed rectification sale deed document No.1834/2016 dated 27.02.2015. After receiving the document from the Sub Registrar, the petitioner filed applications dated 08.05.2012 and 08.11.2013 and 28.12.2013 to the 4th respondent for issuance of pattadar passbooks for the above said property as per A.P.Rights in Lands and Pattedar Passbooks Act, 1971. He also filed complaint in grievance cell i.e., Prajavani No.51197 dated 20.01.2014 to the 2nd respondent for issuance of pattadar passbooks and title deeds. But on 18.05.2015 the 4th respondent issued proceedings No.Ref.B/496/2016 stating that since the sale of the land by way of auction was not confirmed with the prior approval of the Collector concerned, the petitioner's request for grant of pattadar passbooks and title deeds cannot be considered. Aggrieved by the same, the present writ petition is filed.

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

It is to be seen that admittedly petitioner purchased the subject land from the successful bidder in the auction conducted by the District Co-operative Central Bank Limited, Kadapa and when the Sub Registrar refused to register the document, petitioner filed W.P.No.1429 of 2012 and the same was allowed and the

Sub Registrar registered the document. In pursuance to the same, sale deed was executed in favour of the petitioner. Basing on the same, the Tahsildar also issued rectified sale deed document No.1834/2016 dated 27.02.2015 for mutation of his name. Again when the petitioner made applications for issuance of pattadar passbooks and title deeds, the same were rejected holding that the sale of the subject land by way of auction is confirmed without prior approval of the concerned Collector. It is to be seen that when once the order in the writ petition filed by the petitioner have become final and when once the Tahsildar also issued proceedings dated 27.02.2015 for entering the name of the petitioner in the revenue records, the respondents cannot reject the same on the ground that the sale is not confirmed with the prior approval of the Collector. The action of the respondents in passing the impugned order dated 18.05.2016 is illegal and arbitrary on the face of the orders passed by this Court in W.P.No.1429 of 2012 and also proceedings dated 27.02.2015.

In view of the same, the impugned order dated 18.05.2016 is set aside and the 4th respondent is directed to consider the application of the petitioner for grant of pattadar passbooks and title deeds and take action thereon for issuance of the same within a period of four (4) weeks from the date of receipt of copy of this order.

Accordingly, the writ petition is allowed. There shall be no order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

20-06-2016

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A.RAJASHEKER REDDY,J