

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 25291 of 2016

ORDER:

The petitioners claim to be the absolute owners and possessors of various extents of patta land in Survey Nos. 995/30C, 995/30/A/2B1, 995/30A/2B1 and 995/30/B1 situated at Dachepalli Village, Guntur District.

The 1st petitioner, in the process of obtaining mortgage loan, when sought to deposit the memorandum of title deeds with the 5th respondent Joint Sub-Registrar, Gurazala, for ascertaining the stamp duty, the latter orally refused to receive the same for non-production of 'No Objection Certificate' from the revenue authorities. Having no alternative, the 1st petitioner filed Writ Petition No 22176 of 2016 seeking a direction to the respondents therein to receive and process the documents submitted by him without insisting on production of 'NOC'. The said Writ Petition was disposed of on 13.07.2016 directing the Sub-Registrar to receive the documents, if they are in order, as per the provisions of the Indian Stamps and Registration Act and the rules made there under. Pursuant to which, when approached, the 5th respondent refused to receive the title deeds, this time on the ground that the 2nd respondent District Collector, Guntur issued the proceedings dated 25.04.2016, which according to the petitioners are impugned in the Writ Petition, stating that the lands in Survey Nos. 995/30-B and 995/30-D were classified as 'assigned lands' and hence, they were included in the list of prohibited lands under Section 22(A)(1)(a),(b) & (d) of the 1908 Act, as per the judgment rendered by the Full Bench of this Court in Writ Appeal No. 343 of 2015 and batch of cases. Hence, this Writ Petition has been filed seeking a direction to the 5th respondent to receive the

title deeds, as the lands sought to be mortgaged are patta lands but not 'assigned lands'.

Learned counsel for the petitioners submits that as against the judgment of the Full Bench dated 23.12.2015 in Writ Appeal No. 343 of 2015 and batch, while granting permission to file Special Leave Petition No. 8917 of 2016, the Supreme Court made it clear that the registration can be done expressly making it subject to the final outcome of the Special Leave Petitions. In these circumstances, the learned counsel seeks a direction to the 5th respondent to accept the memorandum of deposit of title deeds so as to enable the petitioners to obtain loan from the State Bank of India.

On the other hand, learned Government Pleader for Revenue (Andhra Pradesh), places reliance upon G.O.Ms.No. 197, Revenue (Assn.I) Department, dated 05.05.2016, to submit that the said G.O. has been issued directing notification of government lands in the Gazette under Section 22-A(1)(e) of the Registration Act, 1908, in respect of Guntur District, pursuant to the directions issued by this Court in Writ Appeal No. 343 of 2015 and batch, in order to safeguard the government lands. He further submits that instead of approaching this Court straightaway, the petitioner can as well verify whether his lands in Survey Nos. 995/30-B and 995/30-D are covered by the list of prohibited lands vis-à-vis the certificate issued by the Tahsildar, Dachepalli Mandal, wherein the lands situated in Survey Nos. 995/30/C, 995/30/2B1, 995/30/D1, 995/30/D2, 1058/1 and 1059/1 are shown as 'patta lands'.

From the material placed on the record, it is evident that the 2nd respondent District Collector, through proceedings, dated 25.04.2016 communicated to the Sub-Registrars and the District Registrars named therein the list of prohibited lands covered under Section 22-A (1)(a)(b) & (d), relating to 57 Mandals of Guntur District to prevent the

registrations as instructed. It is an admitted fact that the lands of the petitioners in Survey Nos. 995/30-D and 995/30-A of Dachepalli Village are also listed in Annexures-I & II appended to the said proceedings. However, subsequently, G.O.Ms.No. 197, dated 05.05.2016 has been issued, which reads as under:

“ In exercise of the powers conferred under clause (e) of sub-section (1) of Section 22-A of the Registration Act, 1908 (Act XVI of 1908), the Governor of Andhra Pradesh hereby prohibit the registration of properties as shown in the Annexure in the interest of State Government.”

In the light of the G.O. issued, which was later in point of time, wherein the list of lands prohibited from registration was notified, the petitioner without questioning the *vires* of the said G.O., cannot seek the relief as prayed for in the Writ Petition. The petitioner shall first of all verify whether their lands situated in Survey Nos. 995/30-B and 995/30-D are covered by the list annexed to the said G.O.Ms. No. 197. If the said lands are not included in the Annexures, then, he shall approach the Sub-Registrar concerned and seek necessary relief, as required.

Subject to the above, the Writ Petition stands closed. No costs.

Consequently, the miscellaneous petitions, if any shall also stand closed.

CHALLA KODANDA RAM, J

09th August 2016

Issue CC in three days.
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