

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**FRIDAY, THE TWELTH DAY OF AUGUST,
TWO THOUSAND AND SIXTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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CONTEMPT CASE No.353 of 2015

Between:

Chikkam Narasimha Rao, s/o. Late Subba Rao, aged about 53
years, occ:Advocate, R/o.D.No.8-19-1A, Chagantivari Street,
Kakinada, East Godavari District.

.. Petitioner

AND

Mr. Damodhar Rao, the District Registrar, Stamps and
Registration Department, Visakhapatnam and another.

.. Respondents

The Court made the following:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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CONTEMPT CASE No.353 of 2015

ORDER

This Court, by order dated 11.12.2014 in WPMP No.46879 of 2014 in W.P.No.37457 of 2014, passed the following order;

“The land to an extent of Ac.5.00 in Sy.No.42/1 was assigned in favour of one Koppala Adinarayana, an Ex-serviceman, in the year 1965. The petitioner entered into an agreement to purchase the said property after a period of ten years from the date of assignment. Alleging that the said agreement is not enforced, the petitioner instituted O.S.No.5/2010 on the file of Junior Civil Judge, Bhimunipatnam, for specific performance of agreement of sale. The said suit was decreed on 05.05.2010. In spite of the decree granted in favour of the petitioner, as the vendor did not comply with the decree, the petitioner filed E.P.No.09/2010 praying to execute the sale deed by the Judgment Debtor. The Court has forwarded the same for registration. The Registering authority refused to register the said sale deed on the ground that the land is classified as assigned land and therefore, no registration can be granted.

Whether the orders of the Government in G.O.Ms.No.307 dated 06.06.2013 would apply when a decree is passed by the competent Court, and the document is presented for registration in compliance of the decree passed and further orders passed in E.P.No.09/2010 is the matter which requires consideration.

Prima-facie as seen from the material filed, the assignment was made to the Ex-serviceman in the year 1965 and therefore, there is no prohibition of alienation after ten years. If the said assignment stood in the name of Ex-Serviceman, the objection raised by the District Registrar, is not valid.

Having regard to the same, the Joint Sub-Registrar-3, Anandapuram, Visakhapatnam District (4th respondent), is directed to process the document for registration in accordance with the Indian Registration Act, 1908 and Indian Stamp Act 1899, without regard to the objection that the land is classified as assigned subject to verification that the said assignment granted in the year 1965 was not cancelled subsequently. Any such registration shall abide the result of the writ petition.”

2. It is alleged that the respondents have not complied with the

order of this Court deliberately and willfully and there was no cancellation of assignment granted in favour of the original Ex-serviceman.

3. As the stand of respondents that assignment was cancelled as early as in the year 2002 and therefore, the question of registration of document does not arise was seriously disputed, records were directed to be produced. Accordingly, the original record showing the evidence of cancellation of assignment is produced by the learned Government Pleader. The record relates to the land in Sy.No.42/1 assigned to Koppala Adinarayana. The record discloses causing of notices and orders were passed (signed on 10.01.2002) and there is material to show that the same was also dispatched, to be served on the parties. This order cancels assignment earlier made in favour of the Ex-serviceman.

4. Learned counsel for the petitioner sought to contend that there could not have been cancellation of assignment and it was a futile exercise undertaken by respondent authorities.

5. What is contended by the learned counsel for the petitioner may be true, but I am not inclined to go into the correctness of the order of cancellation of assignment. In the present proceedings, the allegation is against non-registration of document by the Joint Sub-Registrar-3. This Court directed for registration of the document presented by the petitioner if there was no cancellation of assignment. The stand of the respondents is that there was cancellation of assignment and therefore, there is no violation of the orders of this Court.

6. In view of the same, I am satisfied that it is not a case where there was deliberate and willful disobedience of the orders

of this Court. I am not inclined to keep the contempt proceedings pending and the contempt case is accordingly closed. However, it is open for the petitioner to contest the validity of cancellation of assignment sought to be projected by the respondents. No costs.

P.NAVEEN RAO, J

12th August, 2016
sj