

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.28245 OF 2016

ORDER:

The case of the petitioner is that he is the owner and possessor of the land admeasuring Ac.3.49 cents in survey No.252, situated in Gundluru, Rajampeta Mandal, YSR Kadapa District having purchased the same through sale deed dated 10.10.2014 bearing document No.2875/2014 from Chinna Bheemu Gangireddy who purchased the same through a registered document No.3479/12, dated 18.08.2012. Originally, the subject land was assigned in favour of Smt.Shaik Akthar Unnisa Begum who obtained loan from the District Cooperative Central Bank Limited, Rajampet Branch, Mannur PACS by mortgaging the subject land. Since she failed to repay the loan amount, the Special Cadre Deputy Registrar-cum-Officer on Special Duty, Cuddapah District Cooperative Central Bank Limited passed an award No.37/2011-12 dated 12.10.2011 and brought the said land for public auction and in the said auction Sri G.Prathap Reddy became highest bidder of the assigned property. When he approached the 3rd respondent for registration of the documents they refused to receive the same for registration. Aggrieved by the same he filed WP.No.22440 of 2012 and the said writ petition was disposed of on 24.07.2012 directing the registering authorities to receive and process the documents for registration without reference to the ground that the

subject land was originally assigned. Pursuant to the orders passed by this Court in the said writ petition, the sale deed was registered vide document No.1-1/2012, dated 17.07.2012. Thereafter, the said G.Prathap Reddy also sold the subject property in favour of petitioner's vendor Chinna Bheemu Gangi Reddy vide document No.3479/2012, dated 18.08.2012 and Chinna Bheemu Gangi Reddy in turn sold the same to the petitioner vide document No.2875/2014, dated 10.10.2014. While so, when the petitioner approached the office of the 3rd respondent and requested to issue market value certificate and about the registration charges to alienate the subject property to third parties, enclosing all the link documents including the orders passed by this Court in WP.No.22440/2012 the 3rd respondent issued an Annexure-II, dated 12.08.2016 with the following endorsement;

“This Survey number is classified as DKT, produced by the Collector, Annexure-I under Section 22-A(1)(a) value is ‘zero’.”

Aggrieved by the said endorsement, present writ petition is filed.

Heard learned counsel for the petitioner.

Learned Assistant Government Pleader for Revenue sought time on 29.08.2016 for getting instructions. Even when the matter is listed today, learned AGP again sought time.

The vendor of the petitioner's vendor filed WP.No.22440 of 2012, when the 3rd respondent refused to receive the documents for registration in respect of land to an extent of Ac.3.49 cents in Survey No.252 of Gundluru Village, Rajampet Mandal, Kadapa District and Ac.3.61 cents in Survey No.1116/5 of Tallapaka Village, Rajampeta Mandal, Kadapa District and the learned Single Judge of this Court allowed the writ petition directing the registering authority to receive and process the documents for registration if the documents presented for registration are in terms of the Stamps and Registration Act. In pursuance to the same, petitioner's vendor purchased the said property and after some time he sold the subject property to the petitioner and sale deed was executed in favour of petitioner. Originally, petitioner's vendor's vendor purchased the property in the public auction conducted by the Cuddapah District Cooperative Central Bank Limited. The Division bench of this Court in ***Sub-Registrar, Srikalahasti, Chittoor District and another v. K.Guravaiah and another***¹ held that when once the assigned land was purchased by the third parties in execution of award by the Cooperative Central Bank, they lose the characteristics of assigned land and the Sub-Registrar cannot refuse to register the documents presented for transfer of title on the ground that the said lands were assigned ones.

¹ 2009 (2) ALD 250 (DB)

In view of the above, since the petitioner's vendor's vendor purchased the subject property in the public auction conducted by the Cuddapah District Cooperative Central Bank Limited, it loses its character of assigned land as held by the Division Bench of this Court referred to supra. Further, the *lis* in the writ petition is already covered by the Judgment of this Court in WP.No.22440 of 2012.

Accordingly, the writ petition is allowed and the 3rd respondent is directed to receive the documents presented by the petitioner in respect of the property to an extent of Ac.3.49 cents in Survey No.252, situated in Gundluru Village, Rajampeta Mandal, YSR Kadapa District and release the same after due registration if they are in order as per the provisions of the Stamps and Registration Act and rules made there under. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

31.08.2016

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