

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 23307 of 2016

DATED 8TH AUGUST, 2016

BETWEEN

Polamarasetty Karuna Kumar

....Petitioner

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Stamps and Registration Department,
Secretariat, Hyderabad and ors.

..Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 23307 of 2016

ORDER:

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Challenging the action of second and third respondents in refusing to receive the sale deed presented by the petitioner for registration of Flat No.304, admeasuring 900 square feet of 'Feevan Greens' which was constructed in an extent of 696.22 square yards , bearing Door No. 8-100/31 situated in Sy.No.90/20 of Lakshmipuram Village of Gollavillivanipalem area, Pendurthy Mandeal, Vishakhapatnam District on the ground that administrative instructions for non-registration of alienations pertaining to lands in Sy.No.90/20 of Lakshmipuram

village of Gollavillivanipalem area are in force.

It is submitted by the learned Counsel for the petitioner as well as learned Government Pleader appearing for the respondents that the issue involved in the present Writ Petition is squarely covered by the decision of this Court dated 25.07.2013 rendered in Writ Petition No. 20398 of 2013, wherein, in respect of part of land in very same survey number, when registration of a document was refused, this Court held as under:

“ This Court has time and again held that entries, including dots in the RSR, against any particular land would not establish that the said land belongs to the Government, whereby it could be included in a prohibitory list communicated to the Registration Authorities. In the event there is a title dispute with regard to such land, the Government would necessarily have to assert and establish its title before the competent forum in accordance with law. It cannot unilaterally prohibit registration of documents in respect of such land basing on such revenue entries. Significantly, in most such cases the facts establish possession of the citizens over such land, *prima-facie* belying the claim of the Government. It is also to be remembered that mere registration of a document in respect of such land would not divest the Government of its title, if any, over such land and it would always be open to the Government to establish its title in respect thereof and seek cancellation of the registered deeds.

The writ petition is accordingly disposed of directing the Sub-Registrar, Pendurthy, to receive and process the documents presented by the petitioner firm in respect of the flats constructed in an extent of 696.22 sq. yards in Sy.No.90/20 of Lakshmipuram village, Pendurthy Mandal, Visakhapatnam district, without reference to the entries in the revenue records. In the event the documents presented are found to fulfill the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899, the Sub-Registrar, Pendurthy, shall complete the registration formalities and

release the documents in accordance with the due procedure.”

Following the aforesaid judgment of this Court and for the reasons stated therein, the present Writ Petition is disposed of in terms thereof, directing the Sub-Registrar, Pendurthy, to receive and process the documents presented by the petitioner in respect Flat No.304, admeasuring 900 square feet of ‘Feevan Greens’ which was constructed in an extent of 696.22 square yards , bearing Door No. 8-100/31 situated in Sy.No.90/20 of Lakshmipuram Village of Gollavillivanipalem area, Pendurthy Mandeal, Vishakhapatnam District. In the event the documents presented are found to fulfill the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899, the Sub-Registrar, Pendurthy, shall complete the registration formalities and release the documents in accordance with the due procedure

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 8TH AUGUST, 2016.

Msnr_x