

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.35898 of 2014

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ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed to declare the action of the 2nd respondent in not entertaining the sale deed for registration in respect of the land admeasuring Ac.4-00 in survey No.1458/1/1/138, situated at Dammapeta Village & Mandal, Khammam District, on the ground that 'the said land is a Government land', is ex-facie and illegal and consequently, direct the 2nd respondent to entertain the sale deed and process for registration in respect of the subject land.

2. The petitioner is absolute owner and possessor of aforesaid land, which is the ancestral property. The authorities also issued pattadar pass books and title deeds in name of the petitioner and her name is also entered in the revenue records. While the matter stood thus, when petitioner is intending to sell the aforesaid land in favour of third parties, she approached the 2nd respondent for obtaining Market Value Certificate of the said land to process registration. Thereafter, the authorities informed that the said land is a Government land as such they cannot register any document in respect of the said land. Aggrieved by the same, the petitioner filed the present Writ Petition.

3. The 2nd respondent filed counter did not oppose the petition and stated that if the petitioner submits pattadar pass books and title deeds and other relevant documents for establishing his ownership over the subject land, the respondents have no objection to register the same in favour of vendee. It is stated that if the subject land does not come under prohibited list, the respondents have no objection to register the land after due verification. It is also stated that till today, the petitioner has not filed any document relating to the subject land.

4. It is hard to believe that without approaching the 2nd respondent, the

petitioner straightway filed the present Writ Petition. Anyhow, in the counter it is stated that the petitioner has never approached the authorities concerned till today, it is for the petitioner to approach the 2nd respondent by presenting the sale deed along with relevant documents and on such presentation, the 2nd respondent shall receive the same and if he is satisfied with the same, he shall register the document and if he wants to refuse for registration he has to record reasons as per Section 71 of the Registration Act, 1908 and communicate copy of the same to the petitioner. The said exercise shall be completed within a period of four (4) weeks from today.

5. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.RAJASHEKER REDDY, J

APRIL 27, 2016

Note:

Issue C.C. in one week.

(B/o)

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Date: 27.04.2016

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