

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.23747 OF 2011

ORDER

Heard learned counsel appearing for the petitioner and learned Government Pleader for Revenue appearing for respondents 1 to 4.

The petitioner is a resident of Challapalli Village & Mandal, Krishna District. He intended to purchase four items of property situated in Sy.Nos.134/15 & 294/1 of Challapalli Village and entered into an agreement of sale with respective land owners. When he presented the documents for registration, the 3rd respondent refused to receive the same on the ground that the 4th respondent issued proceedings stating that the property intended to be purchased by the petitioner is a poramboke land. Challenging the same, the petitioner filed W.P.No.5323 of 2011 and the same was disposed of on 4.3.2011 by directing the 3rd respondent to receive the documents and process the same for registration. Pursuant to the same, the petitioner presented the documents for registration on 6.5.2011, 28.05.2011 and 30.04.2011 and the 3rd respondent had given pending document Nos.64, 63, 69, 70. On 4.8.2011, the 3rd respondent refused to register the documents on the ground that the 4th respondent addressed a

letter on 23.08.2008 supported by letter dated 15.6.2011 of the 2nd respondent stating that the said land is classified as 'Gramakantam Poramboke' in the village records. Challenging the same, the present writ petition is filed.

A counter-affidavit is filed by the 3rd respondent admitting the assignment of pending document Nos.P63/2011, P64/2011, P69/2011 and P70/2011 and its refusal *vide* refusal order Nos.1/2011, 2/2011, 3/2011 and 4/2011. It is stated that if petitioner was aggrieved by the said action, he has to approach the District Registrar, Machilipatnam, by way of an appeal under Sections 72, 73 and 74 of the Registration Act.

When the matter is taken up for consideration, learned counsel for the petitioner produced before this Court a copy of the order passed by this Court on 15.7.2013 in W.P.Nos.29481 and 29491 of 2011 rendered in respect of the land situated in R.S.No.134/15, which was classified as 'Grama Kantam' (Village Site) as per the revenue records, wherein it is observed as under:

"This Court has time and again held that entries in the revenue records, including dots in the RSR, do not constitute proof of title over a particular land. Further, mere indication of a particular land as Grama Kantam in the revenue records would be of no significance as there is no basis for the inference

drawn by the revenue authorities that all Grama Kantam Lands belong to the Government. There are decisions galore of the Madras High Court, which indicate to the contrary. Therefore, a mere entry in the revenue records that a particular land is a Grama Kantam Land does not automatically vest the same in the Government. The facts obtaining generally belie such a claim as possession of the disputed land(s) is shown to be with individuals. The same is the case presently. It is also to be noticed that mere registration of a document in respect of a particular land would not have effect of conferring title on the beneficiary of such document as against the true owner who is not a party thereto. In the event the Government is in a position to establish and prove its title in respect of the subject land, it would always be open to it to approach the competent forum for such relief and also seek cancellation of registered document, if any, pertaining to such land. On the basis of mere entries in the revenue records, it is not open to the revenue authorities to restrain the registration authorities from proceeding with the registration of documents in respect of a particular land. A notification under section 22-A(2) of the Registration Act, 1908, would be necessary to effect such a restraint and prohibition. Admittedly, there is no such notification in respect of the subject lands. The action of the Sub-Registrar, Challapalli, Krishna District, in denying registration of the documents pertaining to the subject lands relying on the advice of the revenue authorities therefore cannot be countenanced.

The writ petitions are accordingly disposed of directing the Sub-Registrar, Challapalli, Krishna District, to receive and process the documents presented in respect of the subject lands without reference to the stand of the revenue department basing on the entries in the revenue records. In the event the documents presented are found to fulfil the requirements of the Registration Act, 1908, and the Indian Stamp Act, 1899, the Sub-Registrar, Challapalli, Krishna District, shall complete the registration formalities and release the documents in accordance with the due procedure. W.P.M.P.Nos.36509 and 36519 of shall stand closed in the light of this final common order. No order as to costs.”

In view of the above order, this Writ Petition is also disposed of by directing the 3rd respondent to take into consideration the observations made therein and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The impugned order of refusal of the 3rd respondent is set aside. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

