

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

Writ Appeal No.469 of 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.6410 of 2017 dated 08.03.2017 whereby the Sub-Registrar, Kadiri was directed to process and register the document presented by the 1st respondent-writ petitioner, if it was in order, as per the provisions of the Registration Act, 1908.

The case of the appellants herein is that the document presented by the 1st respondent-writ petitioner, for registration of the subject land, was returned by the Sub-Registrar, Kadiri on 19.12.2013 for failure to produce the pattadar pass book; he re-presented the document for registration on 23.04.2015; in the interregnum, the owner of the subject land had executed a registered sale deed in favour of the appellants on 15.09.2014; and though the Sub-Registrar, Kadiri passed an order on 01.07.2015, rejecting the 1st respondent-writ petitioner's application, they had invoked the jurisdiction of this Court, more than a year and half thereafter in the year 2017.

We had, by our order in W.A.M.P.No.987 of 2017 dated 06.12.2017, directed both Sri O.Manohar Reddy, learned counsel for the appellants, and Sri D.Ramakrishna, learned counsel appearing on behalf of Sri N.Aswartha Narayana, learned counsel for the 1st respondent-writ petitioner, to produce a copy of the pattadar pass books.

Both the pattadar pass books produced before us today contain the very same number "560423". While the pattadar pass book produced by Sri O.Manohar Reddy, learned counsel for the appellants, is dated 01.02.2000, the pattadar pass book produced by Sri D.Ramakrishna,

learned counsel appearing on behalf of Sri N.Aswartha Narayana, learned counsel for the 1st respondent-writ petitioner, is dated 05.04.2000. As to how two pattadar pass books were issued, with respect to the very same property in the name of the very same individual Sri V.T.Chandrasekhar, necessitates enquiry. While it is no doubt true that the 1st respondent-writ petitioner submitted the document for registration on 19.12.2013, long before the subject land was sold to the appellants on 15.09.2014, the fact remains that the 1st respondent-writ petitioner's document was returned and, in the interregnum, the subject lands were sold in favour of the appellants.

Sri D.Ramakrishna, learned counsel appearing on behalf of Sri N.Aswartha Narayana, learned counsel for the 1st respondent-writ petitioner, would point out that, though the subject lands are located at Kadiri, and the 1st respondent-writ petitioner had submitted the document to the Sub-Registrar, Kadiri for registration, the appellants had surreptitiously obtained registration from the office of the Sub-Registration, Hindupur. These are again matters which necessitate examination in the writ petition.

While it does appear that Sri V.T.Chandrasekhar, the person who sold the very same land, both to the appellants and the 1st respondent-writ petitioner, had played fraud, existence of two pattadar pass books, with respect to the very same land, also gives rise to the suspicion of the possible involvement of certain revenue officials also. It is only because two different copies of the pattadar pass books were made available was Sri V.T.Chandrasekhar able to sell the very same land to two different persons, handing over one copy of the pattadar passbook to the appellants and the other to the 1st respondent-writ petitioner.

The order under appeal is set aside, and the writ petition is restored to file. The Principal Secretary (Revenue), State of Andhra Pradesh shall

cause an enquiry into the matter, within two weeks from today, as to how two pattadar pass books were issued with regards the very same land to the very same individual. Since the appellants herein were not even arrayed as a respondent in the writ petition when the order under appeal came to be passed, and as we have entertained the appeal after granting them leave, they shall be arrayed as respondents 5 to 7 in the writ petition. Both the Principal Secretary (Revenue), State of Andhra Pradesh, and the appellants herein (respondents 5 to 7 in the writ petition) shall file their respective counter-affidavits within two weeks from today. It is open to Sri D.Ramakrishna, learned counsel appearing on behalf of Sri N.Aswartha Narayana, learned counsel for the 1st respondent-writ petitioner, to request the Learned Single Judge to take up the writ petition for admission any day after two weeks.

The Writ Appeal is disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(GUDISEVA SHYAM PRASAD, J)

13th December, 2017
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Date: 13.12.2017