

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.32131 of 2016

ORDER:

Heard the learned counsel for the petitioner and learned Government Pleader for Assignment, appearing for the respondents.

2. Petitioner has filed this Writ Petition aggrieved by the action of 2nd respondent in refusing to register the document presented by the petitioner in respect of the subject land on the ground that the land is assigned land, vide proceedings dt.28-01-2016.

3. On 26-09-2016 and 14-03-2017, the learned Government Pleader for Assignment sought time to get instructions.

4. On 05-12-2017, this Court asked the Government Pleader to produce copy of assignment relating to subject land. But neither counter affidavit is filed nor the said deed is produced. However, the Government Pleader for Assignment insists that the subject land is assigned land.

5. Petitioner contends that 3rd respondent had informed 2nd respondent by proceedings dt.02-04-2011 itself that the subject land is not assigned land. Therefore, the stand taken by the 2nd respondent that the land is assigned land is false particularly when the deed of assignment is not produced by respondents.

6. Learned Government Pleader for Assignment appearing for respondents states that the R.S.R. shows that the subject land in

Sy. No.1274/C2 is indicated by *dots* in the pattadar column and therefore the land is Government land. He placed reliance on Section 4 of the A.P. Dotted Lands (Updated in Resettlement Register) Act, 2017. This is not the reason mentioned in the order dt.28-01-2016 of 2nd respondent.

7. The present case, in my opinion, falls in sub Section (3) of Section 4 since admittedly the subject land is not assigned land and the 3rd respondent has certified it to be private land since 1932. There is therefore no necessity for the petitioner to approach the District Level Committee in Section 5 of the said Act for entry of the name of the petitioner therein.

8. Therefore, the Writ Petition is allowed and 2nd respondent is directed to receive the document presented by the petitioner for the purpose of registration and register the same in accordance with the Registration Act, 1908 and the Indian Stamp Act, 1899, within four weeks of the presentation of the document. The intimation of refusal dt.28-01-2016 is set aside. No costs.

9. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 22-12-2017

kvr