

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.6982 OF 2017

ORDER:

The case of the petitioners is that they are the owners of land admeasuring Ac.6.95 cents in Sy.No.739/3A, 740/1 & 740/2, situated in Gangavaram Village and Mandal, Chittoor District having purchased the same through registered sale deed vide Document No.3853 of 2014 and the said lands were treated as private patta lands from the year 1936. The names of the petitioners and their vendors and also vendors' vendors were recorded in all revenue records including 1-B (ROR) Register, 10(1) Account/Pahani, as pattadars of the said lands and they were also granted pattadar pass books and title deeds by the 3rd respondent from time to time. The said lands were never treated as Government lands or assigned lands which are prohibited for transfer. It is also stated that several sale transactions have been registered in respect of the subject lands without any objection by the registering authority or by the revenue authorities. It is also stated that the Sub Registrar, Palamaner-4th respondent issued statement of encumbrance of property dated 25.05.2015, indicating the sale transactions in respect of the subject lands during the years 2009 & 2014 i.e. till the petitioners have purchased the said property on 29.10.2014 and the 4th respondent also issued market value certificate to the petitioners when the petitioners have entered into agreement of sale with third parties for sale of the said

land. But there was delay on the part of the purchasers in making the balance sale consideration to the petitioners and therefore the sale transaction could not be completed in respect of the subject land. The vendees of the petitioners have come forward for registration of the said lands and paid the balance sale consideration to the petitioners and therefore, the petitioners have requested the 4th respondent on 25.02.2017 to issue certificate of market value for the subject lands. But, the 4th respondent refused to issue market value certificate in respect of the subject lands and insisted the petitioner to produce 'No objection certificate' from the 2nd respondent for the purpose of registration of the said lands. The 4th respondent orally informed the petitioners that he has received instructions from the revenue department not to register the aforesaid lands, since they have been included recently in the list of lands prohibited for transfer. Thereafter, the petitioners have approached the 3rd respondent to ascertain the genuineness of the information given by the 4th respondent and then the petitioners were informed that though the lands were treated as private lands as per the revenue records, yet the said lands were included in the list of prohibited lands for transfer, on the basis of erroneous information furnished by the Tahasildar and the same was mechanically accepted by the higher authorities. Aggrieved by the action of the 4th respondent in including the petitioners' patta lands in the list of prohibited properties, present writ petition is filed.

When the matter is listed on 01.03.2017, learned Assistant Government Pleader for Revenue sought time for filing counter. Today when the matter is listed he again sought time.

Learned counsel for the petitioners submits that as on today no proceedings were issued by the respondents including the subject lands in the list of prohibited properties made under Section 22-A of the Registration Act, 1908, but, still the 4th respondent refused to receive and register the documents in respect of the subject lands. He also submits that the subject lands treated as private lands from the year 1936 onwards and thereafter several sale transactions took place and that the names of the petitioners, their vendors' vendors were also entered in the revenue records and that the subject land is shown as private land in the revenue records.

Heard learned Assistant Government Pleader for Revenue.

In the present case it is to be seen that as on today no order is passed by the 4th respondent refusing to issue market value certificate or refusing to register the documents presented by petitioners for registration in respect of the subject property. Neither the counsel for petitioners nor the Assistant Government Pleader produced any list showing the prohibited properties for registration. In view of the same, it is open for the petitioners to make a representation seeking market value certificate, if not already made, and on such representation, the 4th respondent is directed to consider the same. Basing on the

said market value certificate issued by the 4th respondent, the petitioner can present the documents for registration before the 4th respondent and on such submission of documents, the 4th respondent is directed to receive and register the same, without insisting for 'No Objection Certificate' from the revenue authorities, if the same is in order as per the provisions of Indian Stamps and Registration Act and the Rules made thereunder, and if the subject land is not included in the list of prohibited properties for registration as per Section 22-A of the Registration Act, 1908 or not prohibited for registration by any order/injunction/attachment passed by the Court or competent authority. If he wants to refuse registration, he shall record reasons as envisaged under Section 71 of the Registration Act, and communicate the same to the petitioners.

With the above direction, the writ petition is disposed of.
No order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

31.03.2017
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