

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.3546 OF 2017

O R D E R

The case of the petitioner is that the subject land in an extent of Acs.3-00 cents situate at Kirikere village, H/o Basavanapalli, Hindupur Mandal, Anantapur District was initially assigned vide DAR Dis.No.283/39 dated 20.09.1931 to one Timmaiah, s/o Soreddi Enumulaiah without any in-alienable condition. To this effect, the 4th Respondent – Tahsildar also issued endorsement vide RTI SR No.176/15/17 dated 4.11.2015. After number of transactions, K. Timma Reddy, S/o late K.Rami Reddy R/o Basavanapalli, became the absolute owner and possessor and in turn he executed a General Power of Attorney in favour of the petitioner. The further case of the petitioner is that as the assignment was of the year 1931, i.e., much prior to 1954, G.O.No.1142 dated 18.6.1954 prohibiting the alienation of assigned lands, is not applicable. The subject land also does not come under the purview of Section 22-A of the Stamps and Registration Act, 1908 or Section 3(5) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. When the petitioner intended to sell the property and presented the sale deed to the 5th respondent – Sub Registrar for registration after paying the requisite fee, he failed to register and release the document without assigning any reasons. Hence the writ petition.

The learned counsel for the petitioner reiterating the above averments submitted that this court in W.P.No.7254 of 2009 dated 7.4.2009 held that the condition prohibiting alienation of assigned lands does not operate to the lands that were assigned earlier to 1958. Therefore, he sought for a direction to the 5th respondent to register the sale deed presented by the petitioner and release the same.

The learned Assistant Government Pleader for Revenue on written instructions submits that the survey number in which the petitioner is claiming land, is not in existence and hence the 5th respondent is not in a position to register the same.

Having received the document presented by the petitioner for registration, the 5th respondent – Sub Registrar is under obligation to register the same if the same is in order and does not fall within the prohibited list under Section 22-A of the Registration Act. In case, if he intends to reject the same, has to record reasons and pass order.

Having regard to the above facts and circumstances and the submissions of the learned counsel without expressing any opinion on merits, the writ petition is disposed of at the stage of admission, directing the 5th respondent – Sub Registrar, Hindupur Mandal, Anantaur District, to consider the registration of the document presented by the petitioner if the same is in order as per provisions of

the Indian Stamp Act, 1899 and the Registration Act, 1908 and the Rules made there under. In case, if he intends to refuse to register the same, shall pass orders under Section 71 of the Registration Act, 1908 recording reasons and communicate the same to the petitioner. This exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

DATE: 16—02—2017

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