

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 545 of 2017

ORDER:

1) Heard learned counsel for the petitioners and learned Government Pleader for Revenue. With the consent of both the parties, the Writ Petition is being taken up for hearing at the admission stage itself.

2) The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the action of the third respondent in not furnishing valuation of property as per basic value register and not receiving, registering gift deed being presented by the petitioners in respect of agricultural land admeasuring Ac.0.46 cents in Sy.No.29/ 1A and Ac.1.85 cents in Sy.No.29/ 3 of Vadlapatla Nuthanam Village, Kamavarapukota Mandal, West Godavari District, as illegal, irregular and violative of the provisions of Registration Act, 1908 and Rules framed thereunder; and consequently direct the third respondent to receive and register any deed of conveyance for the afore said land.

3) The issue raised in this writ petition is squarely covered by the judgment of this Court in Sub Registrar, Srikalahasthi, Chittoor District Vs K. Guruvaiah¹, wherein a learned Division Bench of this Court held that once mortgaged assigned land was brought to sale by the mortgagee bank, the prohibition with regard to alienation would no longer apply and such land would stand exempted under Section 6

¹ (2009) 2 ALD 250 (D.B.)

of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977. Therefore, the Registering Authorities cannot refuse registration of documents pertaining to such lands on the ground that they were initially assigned lands.

4) The writ petition is accordingly disposed of directing the Sub-Registrar, Kamavarapukota Village and Mandal, West Godavari District to furnish the valuation of such lands to the petitioners for the purpose of calculating the stamp duty and thereafter receive and process the documents presented by the petitioners for registration in respect of such lands without reference to the fact that they were earlier treated as assigned lands. In the event the documents are found to be in accordance with the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899, the Sub-Registrar, Kamavarapukota, shall register the documents and release the same in accordance with due procedure. If, however, he opines that the documents are to be denied registration on any other ground, he shall pass reasoned orders in writing as required by Section 71 of the Registration Act, 1908, indicating the reasons for refusal of registration.

5) Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

05.01.2017
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