

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.27687 OF 2014

ORDER:

Heard Mr.N.Vijay for petitioner and the Assistant Government Pleader for Revenue.

The petitioner prays for Mandamus declaring the action of respondent No.3 in refusing to register sale deed for an extent of Ac.2.70 cents in Survey No.110, Paimaish No.67, Akkarampally Village, Tirupati Urban Mandal, Tirupati by referring to letter dated 12.08.2009, as illegal, arbitrary and unconstitutional.

The case of petitioner is that through sale deed dated 11.10.1957, one Boddu Chinna Muneppa sold an extent of Ac.2-70 cents in Survey No.110, Paimaish No.67 of Akkarampally Village, Tirupati Mandal, in favour of Kotakonda Chengamanayini. The petitioner claims to have entered into agreement of sale dated 01.04.2014 with one K.Papalakshamma successor- in- interest of Kotakonda Chengamanayini. According to him, the land in Survey No.110/2 correlates to Paimaish No.67 and refusing to register the land in Survey No.110/2 is illegal and unconstitutional.

The 2nd respondent filed petition to vacate the interim order dated 08.12.2014 and in the counter affidavit it is stated that Survey No.110 is sub divided and classified as Government land. The details are as follows:

Old Paimaish No.	New Survey No.	Extent	Classification
71	110/1	0.80	AWD (Anadeenam)
67 & 70	110/2	1.76	AWD (Anadeenam)
70	110/3	2.50	AWD (Anadeenam)

Survey No.110/2 partly correlates to Paimaish No.67 and to Paimaish No.70. According to 2nd respondent, if at all the vendors of petitioner or vendor have right for getting a settlement patta, they should have approached the Settlement Officer under the Estates Abolition Act, 1948. In the case on hand, there is no patta in favour of the vendors of petitioner under the Estates Abolition Act, 1948. As on date, an extent of Ac.1.76 cents is classified as Government land. Therefore, prohibition of registration is justified.

The present writ petition is filed on the assumption that Paimaish No.67 correlates to Survey No.110/2 and is a private patta land. On the other hand, the case of respondents is that a portion of Paimaish No.67 is correlated to Survey No.100/2 and balance portion is correlated to Paimaish No.70. There is no grant in favour of vendors of petitioner. In view of the entries in Settlement Register, in the considered view of this Court, the inclusion of petition land as Government land, no exception can be taken. The petitioner as on today merely holds an agreement of sale. A person really entitled for settlement patta would have obtained re-grant and thereafter, claim property as settlement patta land. In the absence of re-grant, the inclusion of Survey No.110/2 as Government land and consequently refusing to register is tenable.

The writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date: 28.06.2017

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