HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.11049 OF 2017

ORDER:

The grievance of the petitioner is that originally the land in Sy.No.491/2 to an extent of Ac.185 cents along with the land in Sy.No.504 to an extent of Ac.0-97 cents, Sy.No.506/1 to an extent of Ac.100, Sy.No.495/2 to an extent of Ac.2-00, Sy.No.506/3 to an extent of Ac.0-39 at Peddapalli Village of Siddavatam Mandal, Siddavatam Sub-District of Kadapa District was assigned to her. The petitioner has mortgaged the said lands and borrowed money from Kadapa District Cooperative Central Bank Limited, Kadapa and when she committed default in paying the loan, the bank initiated recovery proceedings under the provisions of the Andhra Pradesh Co-operative Societies Act, 1964 and award was passed. The Award No.2036/2005-2006, dated 02-02-2006 put to execution in EP.No.419/2005-2006 on the file of Deputy Registrar, District Co-operative Central Bank, Kadapa. The husband of the petitioner participated in the auction and purchased the same and the competent authority issued sale certificates in Form No.10, dated 17-07-2006. It is stated that when husband of petitioner intended to transfer the subject property to their kith and kin, the registration authority refused to receive the document stating that the 2nd respondent-Tahsildar sent list of assigned survey numbers and they are not entertaining the document for the subject survey number for registration. On that, husband of the petitioner filed WP.No.10934 of 2012 and the same was disposed of by order dated 07-04-2012, wherein this Court held as under:

> " The only reason mentioned by the 2nd respondent in the letter communicated to the 3rd respondent is that the lands are shown as assigned in the relevant records. It is no doubt true that the lands are assigned at one point of time and that Section 22-A of the Registration Act as amended through Act 19 of 2007 prohibits registration of documents pertaining to assigned lands. However, the lands were mortgaged in favour of the Kadapa District Cooperative Central Bank Limited, Kadapa and once they were brought to sale, they loose the character of assigned lands. Such transactions are exempted under Section 6 of the A.P. Assigned Lands (Prohibition of Transfers) Act,1977. In W.P.No.14750 of 2007, this Court took the view that once an assigned land was brought to sale by a Cooperative Bank, the prohibition contained under Section 22-A of the Registration Act does not apply for them. The same was upheld by a Division Bench of this Court in W.A.No.950 of 2007.
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> Hence, this writ petition is allowed and the impugned order is set aside."

Thereafter pursuant to the directions of this Court, the husband of the petitioner executed gift deed on 25-03-2013 in her favour for the properties purchased by him in bank auction including the subject land and got it registered. When the petitioner intends to mutate her name in revenue records, the 2nd respondent mutated her name in revenue records except the subject land i.e. Ac.1-85 cents in Sy.No.491/2. On that the petitioner approached the 2nd respondent and requested to include the subject land and upload her name in revenue records. Thereafter, the petitioner filed representations before the 2nd respondent and paid necessary fee and applied for mutation and for E-Pass Book through online. Pursuant to the same, Mandal Surveyor of Sidhout Mandal on 27-07-2016 inspected and surveyed the entire extent of Ac.3-44 cents in Sy.No.491/2 and measured the land and fixed the boundaries for Ac.1-87 cents in Sy.No.491/2 and submitted report to the 2nd respondent on 01-08-2016 stating that the petitioner is in possession and enjoyment of Ac.1-87 cents in Sy.No.491/2 (subject land). Even then, the 2nd respondent did not consider her request and on that the petitioner again made representation on 11-07-2016 to the Revenue Divisional Officer, Rajampet and paid requisite fee of Rs.285/- through online. Basing on the report given by Surveyor and on the representation, on 05-01-2017 the 2nd respondent issued notice to her to attend for enquiry on 16-01-2017. But no action has been taken. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

In view of the facts and circumstances of the case, the 2nd respondent is directed to complete the enquiry in pursuance to the notice dated 05-01-2017 after issuing notice to the petitioner and affected parties if any and take action in accordance with law.

With the above direction, this writ petition is disposed of. There shall be 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

28-03-2017
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