

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 10215 OF 2017

ORDER:

This writ petition is filed seeking writ of mandamus declaring the properties including the land in an extent of Ac.1.01 cents held by the A.P. State Industrial Infrastructure Corporation (APIIC) are not covered by Section 22-A of the Stamps & Registration Act and consequently to direct the respondents to register the sale deed document No.P286/2016 of the petitioner.

It is the case of the petitioner that he purchased the property admeasuring Ac.0.23 cents in Sy.No.528-1 and Ac.0.78 cents in Sy.No.529-5, total Ac.1.01 cents situated in Kodur Village, Chilamattur Mandal, Ananthapuram District from M/s. Green Port Agro Ford Park Pvt. Ltd., through registered sale deed dated 30.03.2013 vide registered document No.1519/2013 of Sub-Registrar, Chilamattur. That originally the subject land belongs to APIIC, which in turn sold the same to Lepakshi Knowledge Hub Private Limited under document No.759/2009 dated 12.02.2009 in the office of the Sub-Registrar, Chilamattur. The Lepakshi Knowledge Hub Private Limited it to M/s.Green Port Agro Food Park Pvt. Ltd., under registered sale deed No.1721/2012 dated 17.05.2012. Subsequently, M/s.Green Port Agro Food Park Pvt. Ltd., sold the subject land to the petitioner vide document No.1519/2013 dated 30.03.2013. The Tahsildar, Chilamattur through his proceedings Rc.No.379/2016/C, dated

08.09.2016 has ordered mutation in village accounts in favour of the petitioner. The petitioner executed a sale deed to an extent of Ac.0.78 cents in Sy.No.529-5 to TEXTPORT Syndicate (I) Ltd., on 23.11.2016 for valuable consideration and same was submitted for registration before the 4th respondent, which same was kept pending with number P286/2016 without assigning any reason. It is stated that the APIIC has confirmed its sale to the vendee through Lr.No.ZO-ATP/Chilamattur/2016, dated 20.10.2016 and also stated that they have sold the property to Lepakshi Knowledge Hub through registered sale deed No.759/2009, dated 12.02.2009. It is also stated that the Government of Andhra Pradesh (Revenue) (Assg) Department clarified that the APIIC lands does not fall under Section 22-A of the Registration Act through Memo No.Rev/20024/61/2016-ASSG-1, dated 13.10.2016. It is stated that the Chief Commissioner of Land Administration, Andhra Pradesh, Vijayawada also issued a Memo dated 24.10.2016 instructing all the District Collectors to take necessary action in this matter stating that these lands does not fall under the ambit of Section 22-A of Registration Act. It is also stated that the District Revenue Officer, Ananthapur also addressed a letter in Rc.No.E2/644/2015, dated 03.12.2016 clarifying that the Government have informed that the lands owned by the APIIC will not come under Section 22-A of Registration Act, 1908 as the list of Section 22-A are meant for Government and not for Government Corporations. It is stated that the petitioner submitted a representation dated 29.11.2016 and 24.11.2016 to the 3rd respondent, requesting to direct the 4th

respondent to clear the pending registration, but no orders are passed. Aggrieved by the same, present writ petition is filed.

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

In view of the above facts and circumstances, the 4th respondent is directed to receive the document presented by the petitioner and register the same, if it is not in list of properties prohibited under Section 22-A of Registration Act or there is any prohibition of alienation of subject land by way of injunction/attachment ordered by Court or competent authority is pending against the subject property and is in order as per provisions of Indian Stamp Act and Registration Act and the Rules made thereunder and if he wants to refuse the same, he has to record reasons as required under Section 71 of the Registration Act and communicate the same to the parties.

With the above direction, the 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

22-03-2017
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Date: 22.03.2017

kvs

