

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25902 of 2017

DATED : 03.08.2017

Between :

Majjari Chinna Yanadaiah, S/o.Peda Tirupalaiah,
Aged about 61 yrs, Occu : Trader,
R/o.Sumithra Nagar, Badvel Town, YSR Kadapa District
.. Petitioner

And

State of Andhra Pradesh,
Rep., by its Principal Secretary,
Stamps and Registration Department,
Secretariat, Velagapudi,
Amaravathi, Guntur District & another.

... Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25902 of 2017

ORDER :

Heard.

2. According to the petitioner Paluri Narayana and others executed an agreement of sale dated 15.01.1998 to sell house property situated in Badvel town in Kadapa District in his favour and in favour of his younger brother. Paluri Narayana died before executing the sale deed and therefore petitioner requested his wife and children to execute the sale deed in their favour. But the same was not honoured by them. Therefore, petitioner filed O.S.No.49 of 2009 pending on the file of Additional Senior Civil Judge, (Fast Track Court) Badvel. Petitioner filed I.A.No.232 of 2014 requesting the Court to send the document to the District Registrar (2nd respondent) for levy of proper stamp duty and penalty. The said petition was allowed and the document was sent to the District Registrar, Proddatur for impounding and for collecting stamp duty and penalty. The District Registrar, examined the document and having found that the subject matter of the property is classified as "Government land" as per the Market Value Guidelines Register, he returned the document without collecting the deficit stamp duty and penalty to the Additional Senior Civil Judge, vide letter No.E2/888/2014 dated 29.02.2016. In this writ petition petitioner seeks declaration of inaction of the 2nd respondent in not certifying the value of suit property and not impounding the document if there is a deficit stamp duty as illegal and arbitrary.

3. As briefly noted above, in due compliance of the directions issued, vide letter dated 29.02.2016, the District Registrar informed the Court that the deficit stamp duty and penalty cannot be collected as the property is classified as government land. The letter also discloses sending back the original un-registered sale agreement to the concerned Court. Thus, after 29.02.2016 no document is pending with the District Registrar to hold that there is inaction on his part and to grant the relief as prayed in the writ petition. Hence, no relief as sought for can be granted to the petitioner. If the petitioner has any other grievance on the issue, he has to avail appropriate remedies as available in law, in the pending suit or independently, if so advised.

4. With the above observations, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

3rd August, 2017
Rds

P.NAVEEN RAO,J