

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 10617 of 2004

Order:

None appears for the petitioner. Though the learned Government Pleader is present for the respondents, no counter affidavit is filed even after 13 years.

The case of the petitioner is that the petitioner purchased an extent of Ac.1.00 of agricultural land each under seven sale deeds at the rate of Rs.2,55,000/- each and the land is situated in Survey No.153/2 of Lankalapalem. The said land was purchased in the month of August 1996 and the second respondent gave pending registration number and directed the parties to pay deficit stamp duty. Since there was no authentic record for assessing the market value, the matter was referred to the District Collector for determination of market value and the District Collector by his proceedings dated 27.01.1997 fixed the market value at Rs.5,44,500/- under the A.P. Prevention of Undervaluation Rules, 1975. Thereafter, a notice was issued by the first respondent asking the petitioner to remit the deficit stamp duty of Rs.31,845/- and deficit registration fee of Rs.1450/- totalling an amount of Rs.33,295/- for each case and challenging the same the petitioner preferred separate appeals before the Senior Civil Judge, Anakapalli and the appeals were dismissed by a common order dated 02.04.2004 confirming the fixation of market value with the following observations.

“In view of the passing of Act 8/98, conferring statutory force on the basic value register and the guidelines of the registering authority, these decisions are not much helpful to the appellant in this case. No subsequent decisions brought to the notice of the court to the similar effect after passing of Act 8/98. Even assuming that the basic value register has no

value and this case relates to the period prior to the said enactment, still the evidence on record reveals that the registering authority, i.e., District Registrar while passing order considered the material i.e., earlier registration extract of sale deeds, wherein the land value was shown as higher rates in the same survey number and it was sold as house sites even prior to the disputed sale deed in this case. Suppressing the earlier transactions or out of ignorance, the appellant presented the sale deed with a view to get this land registered as agricultural land challenging the market value register entries and the District Registrar also made a personal inspection of the disputed land before passing order and found that there were some constructions in the neighbouring lands and the neighbouring lands were converted as house sites. Therefore, the order of the District Registrar cannot be challenged as unreasonable. It is also pertinent to note that the District Registrar got issued notice to the appellants calling for their objections before passing order and after giving an opportunity to produce any material in support of their claim, as the appellants failed to produce any material in support of their claim that it is only agricultural land, the District Registrar taking into consideration the earlier registered sale deeds and conversion of neighbouring lands into house sites correctly fixed the land value at Rs.125/- per square yard. Therefore, the appeals are liable to be dismissed, as the District Registrar followed due procedure, which was prescribed under law, the appeals fail.”

When the said common order was challenged in a single writ petition, filing wrong translated copies showing the same document number, when individual orders were passed, this Court, while admitting the Writ Petition on 28.06.2004, directed the respondents 1 and 2 to release the documents in question on condition of the petitioner paying half of the demanded amount vide proceedings dated 20.05.2004 and on furnishing bank guarantee for the remaining half amount.

The evidence shows that some plots of the land was sold as house sites before execution of sale deeds, but the sale deeds are presented showing the land as agricultural land. This fact was taken note of by the first respondent as well as by the learned Senior Civil Judge, Anakapalli in fixing the market value and upholding the decision of the first respondent.

In view of opportunity given to the petitioner and in the absence of any reasons shown against the fixation of market value, this Court feels that the order passed by the learned Senior Civil Judge, Anakapalli for the above reasons is proper.

The Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

Date: 15.06.2017
Nsr

A. RAMALINGESWARA RAO, J

