

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.13460 of 2009

ORDER:

The petitioner is said to have purchased the subject land in a public auction conducted by the Kadapa District Co-operative Central Bank Limited and, on payment of the entire sale consideration, a sale certificate was issued in his favour on 17.07.2006. When the petitioner requested the respondents to issue a pattadar passbook, his request was rejected on the ground that the subject land was assigned land.

Placing reliance on a Division Bench judgment of this Court in **The Sub-Registrar, Srikalahasti v. K.Guravaiah**¹, Sri Nimmagadda Satyanarayana, Learned Counsel for the petitioner would submit that assigned lands can be mortgaged with the Co-operative Central Banks; and the said lands can be put to public auction by the bank on failure of the borrower to repay the loan amount.

As held by the Division Bench in the aforesaid judgment, while assigned lands cannot be alienated, they can be mortgaged. In the present case, the subject land was mortgaged in favour of the Kadapa District Co-operative Central Bank Limited and, on failure of the mortgagor to repay the loan amount, the subject land was put to public auction in which the petitioner purchased the said land. The Tahsildar is, therefore, obligated to consider the petitioner's request for grant of pattadar passbook and title deeds.

Learned Government for Revenue, appearing on behalf of the respondents, would submit that the petitioner is required to submit an application in Form VI-A for issuance of the pattadar passbooks

¹ 2009 (2) ALD 250 (DB)

and title deeds. Sri Nimmagadda Satyanarayana, Learned Counsel for the petitioner, states that an application, in the prescribed form, would be submitted by the petitioner within two weeks from today. On such an application being made, the Tahsildar shall reconsider the petitioner's request for grant of pattadar passbooks and title deeds, and pass a reasoned order on the petitioner's application, filed in Form-VIA, within two months from the date of receipt of the petitioner's application.

The Writ Petition is, accordingly, disposed of. The Miscellaneous Petitions pending, if any, shall also stand disposed of. No order as to costs.

Date:18.08.2017.

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RAMESH RANGANATHAN, ACJ.

