

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.38994 of 2017

ORDER:

Petitioner's application for issuance of pattadar pass book and title deed has been rejected by the 4th respondent by the impugned order dt.12.04.2016 on the following two grounds:

- “1. The Government vide G.O.Ms.No.225 Food Agriculture Department, Dated 19.06.1996 have permitted the Co-Operative Banks to auction the mortgaged assigned lands in case of non repayment of the loan amount by assignees and the same was extended up to 3 years i.e, 19.06.1999 and no further extension ordered by the Government. Further the District Collector, Kadapa vide Ref.#6/1106/2008, Dated 03.03.2008 has informed that all the auction cases by Co-Operative Banks in respect of mortgaged assigned lands after 19.06.1999 are null and void. But in the instant case the auction was conducted in the year 2012 i.e., after 19.06.1999.
2. Further the Full Bench of the Hon'ble High Court of A.P., Hyderabad, passed common orders dt.23-12-2015 in W.A.No.343/2015, 234/2015 & 353/2013 categorised the State and Central Govt. owned lands and action to be taken for prohibition of such lands for Registration under 22(A) of Registration Act. As per para 33(4) of the full Bench Judgment, the above said lands come under Category – 05 and accordingly, the above lands were included in the list of Category -5 and submitted to the District Collector, Kadapa for taking further action in the matter.”

2. It is not in dispute that the petitioner purchased the subject land, which was originally assigned through 3rd respondent, in an auction conducted by the District Cooperative Central Bank, Rajampet Branch after an Award was passed under the provisions of the A.P. cooperative Societies Act, 1964 against the original assignee.

3. When the sale deed was not executed by the Authorities under the Registration Act, 1908 petitioner approached this Court by filing W.P.No.28639 of 2012 and it was allowed on 12.09.2012 holding as under:

“as it is stated that the petitioner purchased the land in question in the auction conducted in execution of the award passed under the provisions of the Andhra Pradesh Cooperative Societies Act, 1964, I allow this writ petition with the direction that if any document for sale is presented by the petitioner for registration with regard to the land in question, the registering authority shall receive and process the same for registration without reference to the ground that originally, the said land was an assigned one. It is made clear that it is open to the third respondent to scrutinize such document, in accordance with the provisions of the Indian Stamp Act, 1899 and the Registration Act 1908. No order as to costs.”

4. To this judgment, the Government of Andhra Pradesh represented by Principal Secretary, Revenue Department is a party. Once the land is registered in the petitioner's name, pursuant to the above decision, any executive instruction

issued by the Government which are referred to in para 1 above, in the impugned order, cannot apply and cannot be a ground to refuse to issue pattadar pass book and title deed.

5. The Full Bench judgment dt.23.12.2015 in W.A.No.343 of 2015 and batch, referred to in para 2 of the impugned order, also has no application once the document has been registered as directed in the above order passed by this Court.

6. In this view of the matter, the Writ Petition is allowed; the impugned order is set aside; and the 4th respondent is directed to issue pattadar pass book and title deed to the petitioner within a period of four (04) weeks from the date of receipt of a copy of the order. No order as to costs.

7. Miscellaneous petitions, pending if any, shall stand closed.

M.S.RAMACHANDRA RAO, J

20th November, 2017.

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