

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.43778 OF 2016

ORDER:

It is the case of the petitioner that he is owner and possessor of land to an extent of Acs.11.69 cents in Sy.No.250 situated at Gollapuram Village, Hindupur Mandal, having purchased from B.R.Premnath Reddy and K.T.Sreedhar, through registered sale deed Nos.1445/2016, dated 18.02.2016 and 4258/2014, dated 30.05.2014, respectively. Since the date of purchase, the petitioner is in possession and enjoyment of the same. That the 4th respondent issued pattadar pass books and title deeds in favour of the vendors of the petitioner. That at the time of purchasing the schedule property by the petitioner's vendors, the Sub-Registrar, Hindupur raised an objection stating that the subject land was an assigned land and insisted for production of NOC from the revenue authority. Aggrieved by the same, they have filed WP No.20347 of 2011 and this Court, while disposing the above writ petition, clearly found that the subject land was assigned in the year 1932 and specifically held that the lands which were assigned prior to 1954, there is no non-alienation clause and directed the Sub-Registrar to register the same. In pursuant to the directions in the aforesaid writ petition, the petitioner's vendors purchased the same through registered document No.2024 of 2011 dated 19.08.2011 from Sanjeev Reddy and six others. Basing on the said registered sale deeds, petitioner approached the 4th respondent for issuance of

pattadar pass books and title deeds, but the 4th respondent refused to receive the same. The petitioner made representation to the 2nd respondent on 04.07.2016 for issuance of pattadar pass books and title deeds and also for uploading petitioner's name in the web-land. The 4th respondent issued endorsement Rc.No.20/2016/B, dated 12.07.2016 stating that action will be initiated after receiving orders from the 2nd respondent. Though five months have lapsed, no action is being taken. Aggrieved by the same, present writ petition is filed.

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

3. Learned counsel for the petitioner submits that when the subject property is registered in the name of the petitioner through registered sale deed, the question of obtaining NOC from the authorities does not arise. He further submits that when once the subject property is registered basing on the registered sale deeds, the 4th respondent is bound to implement the same in revenue records. He further submits that when similar objection was taken earlier, the vendors of the petitioner filed writ petition and this Court directed the Sub-Registrar to take action on their documents and in pursuant to the said direction, the subject property was registered in the name of the vendors of the petitioner.

4. Learned Assistant Government Pleader for Revenue, basing on written instructions submits that part of land i.e., Acs.3.47 cents was resumed and remaining Acs.9.91 cents is in possession of the petitioner and that petitioner applied for NOC

for deletion of property from the list of prohibited properties mentioned under Section 22-A of the Registration Act. He submits that after file is processed and after obtaining orders from the 2nd respondent, necessary action will be initiated on the application of the petitioner for grant of pattadar pass books and title deeds. He also submits that when petitioner himself has made an application for deletion of subject property from the list of prohibited properties, he cannot be granted any relief at this stage.

5. Now, it is to be seen that the petitioner purchased subject property through registered sale deed in the year 2016 and that the vendors of the petitioner also purchased the subject property through registered sale deeds, which were registered in pursuant to directions of this Court in W.P.No.20347 of 2011. The vendors of the petitioner also granted pattadar pass books and title deeds. Even the written instructions produced by the learned Assistant Government Pleader goes to show that the petitioner is in possession of Acs.9.91 cents and Acs.3.45 cents was handed over to APIIC. When subject property is already registered in favour of the petitioner through registered sale deeds, it is not known on what basis, it is stated that petitioner applied for deletion of subject property from the list of prohibited properties under Section 22-A of the Registration Act. It is also not known why No Objection Certificate is required for grant of pattadar pass books and title deeds when once the petitioner is claiming the property under registered sale deeds. Though it is stated that an

extent of land is handed over to APIIC, it is for the 4th respondent to consider the said aspect.

In view of above facts and circumstances, impugned endorsement dated 12.07.2016 of the 4th respondent is set aside and the 4th respondent is directed to consider the application of the petitioner for grant of pattadar pass books and title deeds and for mutation of his name in revenue records within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

30-01-2017
kvs



A.RAJASHEKER REDDY,J

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