

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

**Writ Appeal No. 333 of 2018
and
Writ Petition No.42080 of 2017**

Common Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

Heard the learned Government Pleader for Revenue (Assignment) appearing on behalf of the appellants, Sri T.V. Jaggi Reddy, learned counsel appearing on behalf of the 1st respondent and Sri P. Udaya Bhaskar Rao, learned counsel appearing on behalf of the 2nd respondent, and, with their consent, both the Writ Appeal and the Writ petition are disposed of by a common order.

This appeal is preferred against the interlocutory order passed by the learned Single Judge in WPMP No. 52195 of 2017 in W.P. No. 42080 of 2017 dated 18.12.2017. The 1st respondent herein filed the Writ petition seeking a mandamus to declare the action of the Sub-Registrar, Nidadavolu in not entertaining and registering the document presented in respect of the agricultural land in Survey No. 43/2A2, of an extent of Acs. 1.90 cents, in Munipalli village area, Korupalli Village of Nidadavole Mandal, West Godavari District as illegal, arbitrary and in violation of the provisions of the Registration Act and the Rules made thereunder. A consequential direction was sought to the Sub-Registrar to receive and register the document, presented by the 1st respondent-writ petitioner, in respect of the said agricultural land.

By way of interim relief, the 1st respondent-writ petitioner sought a direction to the Sub-Registrar to receive and register the document presented by the 1st respondent-writ petitioner for registration in respect of the subject land.

The Deputy Superintendent of Police, Anti-Corruption Bureau, vide letter dated 20.10.2014, informed the Sub-Registrar, Nidadavolu that their investigation revealed that the accused Sri Y. Naga Raja Vara Prasad, Deputy Director of Mines & Geology, had purchased certain properties, and had registered them in his name and in the name of his family members. The Sub-Registrar was requested to verify the records to ascertain the documents registered in the name of the accused and his family members, during the period from 1984 till 2014, and furnish certified copies of the documents for the purpose of investigation; and to freeze further transactions on the properties until further orders.

On an application filed by the Deputy Superintendent of Police, Anti Corruption Bureau in Criminal M.P. No. 110 of 2006 in Crime No. 12/RCA-ACB/GNT/2014, filed under Section 4(1) of the Criminal Law Amendment Ordinance, 1944, the Special Judge for SPE & ACB Cases, Vijayawada directed the Sub-Registrar, Nidadavolu not to entertain any further transactions/registrations in connection with the property mentioned in Items 7 and 8 of Annexure II as release orders were called for by the Court.

Sri T.V. Jaggi Reddy, learned counsel for the 1st respondent-writ petitioner, would submit that the subject property is not covered by the order of the Special Judge for SPE & ACB Cases dated 20.1.2016, and it is only because of the letter of the Deputy Superintendent of Police, Anti Corruption Bureau dated 20.10.2014 that the subject properties are not being registered.

On the other hand, the learned Government Pleader for Revenue (Assignment) would submit that the 1st respondent-writ petitioner has not even presented the documents for registration; the Sub-Registrar is not acting on the basis of the letter dated 20.10.2014; the order of the learned Single Judge, however, places fetters on the discretion

conferred by the Registration Act, and the Indian Stamp Act, on the Sub-Registrar; and it would suffice if the Sub-Registrar is permitted to consider any request made by the 1st respondent-writ petitioner for registration in accordance with law uninfluenced by the letter of the Deputy Superintendent of Police, Anti Corruption Bureau dated 20.10.2014.

Sri P. Udaya Bhaskar Rao, learned standing counsel for the ACB, would submit that, in the light of the order passed by the Special Judge for SPE & ACB Cases, Vijayawada in Criminal M.P. No. 110 of 2016 in Crime No. 12/RCA-ACB-GNT/2014 dated 20.1.2016, the subject land cannot be registered.

It is wholly unnecessary for us to examine whether or not the order passed by the Special Judge for SPE & ACB Cases, Vijayawada in Criminal M.P. No. 110 of 2016 in Crime No. 12/RCA-ACB-GNT/2014 dated 20.1.2016, includes the subject land, as these are all matters which the Sub-Registrar is required to examine in the first instance, before this Court is called upon to do so.

Suffice it, therefore, to set aside the order under appeal, and direct the Sub-Registrar, Nidadavolu to consider the 1st respondent-writ petitioner's request for registration of the document, as and when presented for registration, in accordance with law, uninfluenced by any observations/directions issued by the Deputy Superintendent of Police, Anti Corruption Bureau in his letter dated 20.10.2014, as no statutory provision, which confers power on him to issue such directions, has been brought to our notice. We, however, make it clear that we have not expressed any opinion on whether or not the order of the Special Judge for SPE & ACB Cases, Vijayawada, in Crl. M.P. No.110 of 2016 in Crime No. 12/RCA-ACB-GNT/2014 dated 20.1.2016, includes the

subject land as these are all matters for the Sub-Registrar to consider in accordance with law.

Both the Writ Appeal and the Writ Petition are, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

5th March, 2018

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Date: 5.3.2018

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