

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.12709 OF 2018

Date: 16.04.2018

Between:

Peerla Satyavathi W/o P.V.S.Prakash Rao,
Aged about 45 years, occu:House wife,
R/o. D.No.7-15-21, Srinithi Street,
Old Gajuwaka Junction, Gajuwaka,
Visakhapatnam.

.... Petitioner

And

The State of Andhra Pradesh, rep.by its
Principal Secretary, Department of Revenue
(Stamps and Registrations) A.P.Secretariat
Buildings, Velagapudi, Thulluru Mandal,
Guntur district and others.

.... Respondents



The Court made the following:

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.12709 OF 2018

ORDER:

In this writ petition, petitioner challenges the notice of intimation dated 04.01.2018 issued by Joint Sub-Registrar-18, Gajuwaka informing the petitioner that subject land is included in the list of prohibited properties and, therefore, document is refused for registration. Petitioner challenges the said intimation on the ground that what is presented before the registering authority is only mortgage deed for 10% of the constructed portion of proposed building to GVMC as part of undertaking to make proper construction and, therefore, does not amount to alienation.

2. With reference to registration of a document affecting a property; if such property is included in the list of prohibited properties, remedy is in the form of application for exclusion of property from the list of prohibited properties. Learned counsel for petitioner do not dispute that the land is classified as 'poramboke'. If that is so, granting permission to register the deed of mortgage of property included in the prohibited list would be amounting to granting licence to undertake construction on land classified as 'poramboke' and creation of right in third parties who purchase developed flats. Thus, it cannot be said as an issue of registration of a mortgage deed. Thus, petitioner has to make application to the competent authority for deletion of property from the list of prohibited properties and if property is deleted, he can approach the registering authority to register the deed of mortgage. In the instant case, petitioner has not even preferred appeal under Section 72 of the Registration Act against rejection by the Sub-Registrar, though a legal remedy is available. Leaving it open to the petitioner to work out her remedies, as noted above, Writ Petition is dismissed. It is needless to observe that if application/appeal is made, the same should be objectively considered and appropriate decision as warranted by law be made and communicate the decision thereon to the petitioner within eight weeks from the date of making such application/appeal. Pending miscellaneous petitions shall stand closed. No costs.

JUSTICE P.NAVEEN RAO

Date: 16.04.2018
kkm

HON'BLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION No.12709 OF 2018

Date: 16.04.2018

kkm