

HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Appeal No.1119 of 2016

JUDGMENT: {Per Hon'ble Sri Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.39393 of 2014 dated 02.04.2015. The appellants herein are the respondents in the writ petition. The sole respondent herein filed the writ petition seeking a mandamus to declare the action of the Sub-Registrar, in not entertaining the document sought to be registered for the land of an extent of Ac.1.75 cents in Survey No.488/4 of Pulivendula Village and Mandal, YSR District, as arbitrary and illegal.

The endorsement issued by the Sub-Registrar, which formed the basis for the respondent-writ petitioner to invoke the jurisdiction of this Court, records that the property mentioned in the statement of encumbrance on property was **not** found in the records of registered documents; and the respondent-writ petitioner was advised to approach the Sub-registrar's office concerned. This, the Learned Single Judge has observed, was sufficient to show that, even if the document had been presented for registration, as long as the communication sent by the Tahsildar to the Sub-Registrar that the subject lands were "..... (dotted) lands" and were included in the list of prohibited lands was in force, the Sub-Registrar was not entitled to register the document. The Learned Single Judge, therefore, directed the Sub-Registrar to register the document presented for registration without reference to the information sent by the Tahsildar to include the subject land as "Assessed Waste".

Learned Government Pleader for Revenue (Assignment) would submit, not without justification, that the writ affidavit is silent as to

the person to whom the respondent-writ petitioner intended alienating the subject land, and whether any document was presented for registration, for it is only then could a direction have been sought to the Sub-Registrar to receive the document, and consider its registration; subsequent to the order under appeal, the Andhra Pradesh Dotted Lands (Updated in Resettlement Register) Act, 2017 was passed; the subject lands have also been included in the list of prohibited lands by the District collector in his proceedings dated 10.03.2018; and, in the light of the order passed by the Learned Single Judge, the appellants (respondents in the writ petition) would be obligated to register the subject property notwithstanding these events which took place subsequent to the order under appeal being passed.

As noted hereinabove, the relief sought for in the writ petition is to declare the action of the Sub-Registrar in not entertaining the document sought to be registered as illegal, and for a consequential direction to the Sub-Registrar to entertain the document sought to be presented for registration of the said land. The relief granted by the Learned Single Judge goes even beyond the relief sought for in the writ petition.

While it would be wholly inappropriate for us to examine the validity of the order under appeal, on the basis of events which took place subsequent thereto, suffice it to modify the order under appeal and confine it to the relief sought for in the writ petition. In substitution of the order of the Learned Single Judge, whereby the Sub-Registrar was directed to receive and register the document which would mean that, whenever the respondent-writ petitioner desire to put the property to sale, the order under appeal could be used to seek registration, we direct the Sub-Registrar to receive any document

presented by the respondent-writ petitioner for registration, and consider their request, for registration, in accordance with law.

The order under appeal is modified, and the Writ Appeal is disposed of, accordingly. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(RAMESH RANGANATHAN, J)

(KONGARA VIJAYA LAKSHMI, J)

12th September, 2018
JSU



**HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
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Date: 12.09.2018

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