

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 24621 of 2018

ORDER:

1) Heard learned counsel for the petitioner and learned Government Pleader for Revenue (Andhra Pradesh). With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

2) The present Writ Petition came to be filed seeking issuance of Writ of Mandamus declaring the action of respondent Nos.2 and 3, in refusing to receive the mortgage deed or any other conveyance deed for registration of Flat No.G4, D.No.8-100/ 19, admeasuring 900 square feet of Jeevan Greens Apartments, which was constructed in an extent of 696.22 square yards, situated in Survey No.90/ 20 of Lakshmipuram Village of Gallavillivanipalem Area, Pendurthi Mandal, Visakhapatnam District, as illegal and arbitrary.

3) At the time when the matter is taken up for hearing, learned counsel for the petitioner would submit that by mistake it is described as 'mortgage deed' and that a mistake crept-in inadvertently. Hence he seeks deletion of the word 'mortgage'. The learned counsel for the petitioner would submit that in view of the earlier orders passed in W.P.No.20398 of 2013, the request of the petitioner may be considered.

4) But the learned Government Pleader would submit that the land in the said Survey number, where these apartments are constructed, is a Government land as such question of registering the document in respect of the apartment constructed in the said land does not arise. She places on record, the instructions, received from the office of the Joint Sub Registrar, Pendurthi. At the same time, the very same instructions would show that if the petitioner presents any document, the same would be processed in accordance with the Registration Act and Stamp Act.

5) Having regard to the above and in view of the earlier orders passed by this Court in W.P.No.4195 of 2017, in respect of the very same flats, the Writ Petition is disposed of directing the Sub-Registrar, Pendurthi to receive and process the documents in respect of Flat No.G4, D.No.8-100/ 19, admeasuring 900 square feet of Jeevan Greens Apartments, which was constructed in an extent of 696.22 square yards, situated in Survey No.90/ 20 of Lakshmipuram Village of Gallavillivanipalem Area, Pendurthi Mandal, Visakhapatnam District. In any event, if the document presented is found to fulfill the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899, the Sub-Registrar shall complete the registration formalities and release the document, in accordance with law. If he does not intend to release the document, he shall pass appropriate orders and communicate the same to the petitioner giving reasons for his refusal to register the document.

6) Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

06.09.2018
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