

***IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

*** HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND**

*** HON'BLE MS. JUSTICE J. UMA DEVI**

+Writ Petition No.33618 of 2018

Date: 30-10-2018

#Between:

Hemadri Venkateswara Sharma, S/o Subramanya
Sastri, aged about 47 years, R/o Flat No.131,
Sulochana Towers, KTR Colony, Nijampeta,
Ranga Reddy District.

... Petitioners

And

The State of Andhra Pradesh, represented by its
Principal Secretary, Revenue Department,
Secretariat Buildings, Velagapudi, Amaravathi,
Guntur District and 7 others

... Respondents

! Counsel for the Petitioner : Mr. Gopala Krishna Gorle

^ Counsel for 1st Respondent : G.P. for Revenue (AP)

Mr. Y. Rama Rao, S.C. for High Court

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? Cases referred

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

HON'BLE MS. JUSTICE J. UMA DEVI

Writ Petition No.33618 of 2018

ORDER: *(per V. Ramasubramanian,J)*

Challenging the inclusion of the land allegedly belonging to him in a list of prohibited properties under Section 22-A of the Registration Act, 1908, the petitioner has come up with the above writ petition.

2. Heard Mr. Gopala Krishna Gorle, learned counsel for the petitioner, learned Government Pleader for Revenue for the State of Andhra Pradesh appearing for respondents 1, 2, 4 to 7 and Mr. Y. Rama Rao, learned standing counsel for respondents 3 and 8.

3. The petitioner claims to be the owner of a vacant house site measuring an extent of 155.55 square yards situated in Survey No.180/3A, bearing Patta No.40, Ward No.24 of Salur village, Salur Municipality, Vizianagaram District. When he wanted to sell the property to some one and presented the sale deed to the 6th respondent for registration, the 6th respondent refused to register, on the ground that the property is included as one of the items of the properties prohibited for registration under Section 22-A of the Registration Act, 1908. It appears that the property is shown as belonged to the Court. Therefore, the petitioner has come to court.

4. According to the petitioner, the property owned by him is in Survey No.180/3A and that the property owned by the Court is in

Survey No.181/2. In the light of such a clear stand taken by the petitioner, we directed Mr. Y. Rama Rao, learned standing counsel for the Registry, to verify from the Registry the survey number in which the land belonging to the court is located. Today, the learned standing counsel for the Registry produced Parawise remarks submitted by the Junior Civil Judge, Salur, who is the 8th respondent.

5. According to the Parawise remarks, the land of an extent of Ac.0.50 cents situated in Survey No.180/2, Salur Town, was gifted to the Court under a registered Gift Deed bearing document No.3106/1980. The copy of the document is also enclosed.

6. Therefore, it is clear that the land claimed by the petitioner is located in Survey No.180/3A and the land belonging to the Court is in Survey No.180/2. But in the prohibited list, the land in Survey No.180/3 is included at S.No.27 as land belonging to the court. We do not know how this confusion has come into place.

7. If the land that the petitioner purchased, is actually in Survey No.180/2, he does not have any right. But, if the land purchased by him is in Survey No.180/3A, the court may not have a claim. This issue can be resolved only by the Tahsildar making a local inspection of the land and clearly demarcating the properties.

8. Therefore, the writ petition is disposed of directing the Tahsildar, Salur Mandal, who is the 7th respondent, to physically inspect the land in Survey No.180/2 and 180/3A and clearly earmark the same, so that there is no confusion. If upon such inspection and report by the Tahsildar, it is found that the land belonging to the

petitioner is different from the land belonging to the Court, then the said land may be removed from the list of prohibited properties. The said Tahsildar shall carry on such exercise within a period of four (4) weeks from the date of receipt of a copy of the order and file a report before the 8th respondent. The Tahsildar shall take assistance of the Surveyor for localizing the property. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

Date: 30-10-2018

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