

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 30027 of 2018

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue (Andhra Pradesh).

2. With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

3. 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 with respect to flat No.401, admeasuring 975 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.

4. At the time when the matter is taken up for hearing, learned counsel for the petitioners would submit that in the prayer portion of the affidavit, a mistake occurred inadvertently showing 'mortgage deed' in place of 'sale deed'. Hence he seeks deletion of the word 'mortgage deed' and replace it with 'sale deed'.

Hence, Registry shall replace the word 'sale deed' in place of 'mortgage deed' in the prayer portion of the affidavit.

5. The learned counsel for the petitioners would submit that in view of the earlier orders passed in W.P.No.20398 of 2013, the request of the petitioners may be considered.

6. But the learned Government Pleader would submit that the land in the said Survey number, where these apartments are constructed, is a Government land and 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. The very same instructions would show that if the petitioners present any documents, the same would be processed in accordance with the Registration Act and Stamp Act.

7. 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.401, admeasuring 975 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 documents presented are 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 documents, in accordance with law. If he does not intend to release the documents, he shall

pass appropriate orders and communicate the same to the petitioners giving reasons for his refusal to register the documents.

8. 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
vnb

