

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

WRIT PETITION No.1553 OF 2016

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners to declare the action of the 4th respondent in not receiving and processing the sale deed relating to the agricultural land to an extent of Ac.4.00 cents situated in Sy.No.254-2C1, and to an extent of Ac.3.42 cents situated in Sy.No.254-2C2, of Edula Ballapuram Village, Somendapalli Mandal of Anantapur District, as illegal, arbitrary and violation of principles of natural justice and in violation of Art.14 and 21 of the Constitution of India and consequently to direct the 4th respondent to receive and process the sale deed and register, relating to the agricultural land referred supra.

It is the contention of the petitioners that the agricultural land to an extent of Ac.4.00 cents in Sy.No.254-2C1, and an extent of Ac.3.42 cents in Sy.No.254-2C2 of Edula Ballapuram Village, Somendapalli Mandal of Anantapur District, is the patta land of their family, they obtained pattadar passbook from the competent authority. The petitioners proposed to sell the property, entered into an agreement and approached the 4th respondent, but he refused to receive and register the document without any reason. Hence, the action of the 4th respondent is illegal and arbitrary in violation of principles of natural justice.

Learned Government Pleader for Revenue (A.P.) contended that the land to an extent of Ac.7.47 cents in Sy.No.254-2C of Edula Ballapuram Village, Somandepalli Mandal, is classified as Government A.W.land as per R.S.R. and assigned vide D.A.R.

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Dis.No.334/1928 to Sri Kollappa as per T.M. Register and further contended that pattadar pass books and title deeds were also issued in the name of Allabakash and Smt.Rizwana, who are the petitioners herein, for an extent of Ac.4.00 and 3.47 cents respectively, in I-B Khatha 238 and 239, of Edula Ballapuram Village, Somendapalli Mandal, and therefore registration of assigned land is prohibited.

The main contention of the petitioners before this Court is that refusing to receive and register the documents by the 4th respondent is arbitrary.

The 4th respondent has to refuse the documents assigning specific reasons in writing, but he orally refused to receive and register the document.

The main issue involved in the writ petition before this Court is that whether the land was assigned to Kollappa in the year 1928, is transferable or alienable and whether the A.P. Assigned Lands (Prohibition of Transfers) Act 1977 is applicable to those transaction, is a question to be decided. But, it was not the contention of the petitioners that whether the subject land is alienable or transferable. Therefore, at this stage, such disputed questions cannot be decided, since it is not subject matter of the writ petition.

Hence, the course open to this Court is to issue a direction to the 4th respondent - Sub-Registrar to receive the document for registration, if it is prohibited by any law, return the document assigning specific reasons for such rejection in compliance of Section 71 of the Registration Act.

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Therefore, based on the contention of the learned Government Pleader, this court cannot uphold the inaction of the 4th respondent.

Hence, I find that it is a fit case to direct the 4th respondent – Sub-Registrar to receive the document presented by the petitioners for registration, subject to compliance of the formalities. If the 4th respondent – Sub-Registrar finds that the land covered by the sale deeds is not transferable or alienable as per the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act 1977 or under the provisions of any other law, the authority is directed to reject the document and pass a reasoned order, in accordance with law.

With the above direction, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 25.04.2018
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