

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 31946 of 2018

ORDER:

Heard learned counsel for the petitioner 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 the second respondent in refusing to receive and register the document in respect of agricultural lands in Survey Nos.1169/ 5 admeasuring Ac.1.04 cents, Survey No.1169/ 6 admeasuring Ac.1.04 cents, Survey No.1169/ 7 admeasuring Ac.1.03 cents and Survey No.1169/ 8 admeasuring Ac.1.03 cents in Thallapaka village, Rajampet Mandal, Kadapa District, as illegal and arbitrary.

4. Learned counsel for the petitioner would submit that the vendor of the petitioner filed W.P.No.11093 of 2013, questioning the action of respondent No.3 therein in not registering the property. By an order dated 29.04.2013, the Writ Petition was allowed directing the Sub-Registrar, Rajampet, to register the document, if the documents presented is found to fulfill the requirements of Registration Act and Stamps Act and release the documents, in accordance with the due procedure laid down by

law. Subsequently, the document submitted for registered was processed on 03.05.2014. Thereafter, the petitioner claims to have purchased the said land and when he intended to sell the same, it was informed that the second respondent is refusing to register the land on the ground that in the re-survey and re-settlement register, some dots were shown against the survey number, which indicate that they are Government lands. It is the case of the petitioner that though the petitioner has been cultivating the said land since long time, without any interruption from the respondents, still the second respondent without furnishing any appropriate reason, has been refusing to register the sale deed. Aggrieved thereby, the present Writ Petition came to be filed.

5. Learned Government Pleader, placed on record, the instructions received from the office of the Sub-Registrar, a reading of the same would show that in obedience to the orders passed in W.A.Nos.32 of 2012, 352 of 2013, 343 of 2015 and 1063 of 2013 and batch, the District Collector, Kadapa, has furnished the revised list of prohibited properties falling under Section 22(A) of the Registration Act, 1908, vide letter Ref.No.POT/ 364/ 2016, dated 10.03.2018. In the said revised list, entire extent of Ac.7.52 cents of Survey No.1169 of Thallapaka village fields is classified as Government land and included under category 22(A)(1)(b) of the Registration Act. Hence registration in respect of such lands cannot be entertained.

6. But, the learned counsel for the petitioner would submit that no communication about the same was given to the petitioner. It is to be noted that the question of communication by the respondent would arise provided, the petitioner presents the document for registration.

7. Hence, the petitioner shall present the documents for registration after complying with the requirements as per the law, in which event, the Sub-Registrar-second respondent shall register the sale, in accordance with law. If the second respondent is of the opinion that the said land falls within the prohibited list, he shall pass appropriate orders, in accordance with law and communicate a copy of the same to the petitioner, in which event, the petitioner is at liberty to avail the remedy of appeal against the said order.

8. Accordingly, the Writ Petition is disposed of.

9. 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
vhb