

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.38383 of 2018

ORDER:

This writ petition is filed challenging the action of the 1st respondent in issuing rejection endorsement against application dated 13.06.2017 for grant of pattadar pass books and title deeds in respect of the property admeasuring Ac.2.54 cents covered by Sy.Nos.183/6, 184, 315/1, 315/2, situated at Garnepudi Village and Panchayat, Parchur Mandal, Prakasam District.

The case of the petitioners is that they have purchased land to an extent of Ac.3.04 cents covered by Sy.No.184, to an extent of Ac.0.24 cents out of Ac.12.19 cents in Survey No.183/6, to an extent of Ac.0.92 cents, Sy.No.315/1 to an extent of Ac.0.86 cents, Sy.No.315/2 to an extent of Ac.1.02 cents, situated at Garnepudi Village and Panchayath, Parchur Mandal, Prakasam District from their vendors Sk.Fathimabi and Shaik Imamsa, resident of Chilakaluripet through registered sale deed vide document No.3569/2015 and 3608/2015 for a valuable consideration and have been in possession and enjoyment of the same without any interference. They have also applied for pattadar pass books and title deeds in respect of the above land, but the 1st respondent has not issued. Later the petitioners came to know that the subject land is assigned land. Therefore, the

petitioners made application through Mee Seva for survey and demarcation of private land. The Mandal Surveyor as per the directions of the Tahasildar, conducted survey and submitted report stating that an extent of 0.50 cents of assigned land is included in the land shown in registered document. Therefore, the Tahasildar by proceedings dated 18.09.2015 directed the petitioners to take steps to rectify the registered sale deed documents for separating the assigned land from private patta land. In pursuance to the said proceedings the vendors of the petitioners approached the 1st respondent for rectification of sale deed vide document Nos.3569/2015 and 3608/2015, but the respondents rejected to entertain the same without any information. Aggrieved by the same, vendors of the petitioners filed WP.No.3226/2017 for rectification of registered sale deed documents and this Court passed orders directing the registration department to receive and rectify the same if the same is in order as per the provisions of the Indian Stamps and Registration Act and the Rules made there under and if it is not prohibited by law; and to record reasons under Section 71 of the Stamps and Registration Act, if he wants to refuse registration. In pursuance to the above direction, petitioners' vendors presented the sale deeds for rectification and the same were entertained and rectified by the respondents. It is also stated that as there are disputes among the family members of the petitioners' vendors, they filed civil suit which is pending and

that one of the family members filed review petition before this Court against the orders passed in WP.No.3226/2017 and this Court dismissed the same. It is stated that though the petitioners made application for pattadar pass books and title deeds on 13.06.2017 the same was rejected on the ground of pendency of civil case against the subject property. The grievance of the petitioner is that they have purchased the subject property before filing of said civil suit and that the said civil suit is nothing to do with their possession and enjoyment over the subject property. Aggrieved by the action of respondents in rejecting petitioner's application for issuance of pattadar pass books and title deeds against the subject land, present writ petition is filed.

Learned Counsel for the petitioners submits that without issuing any notice, the impugned endorsement was issued on the application of the petitioners stating that court case is pending, though there is no injunction operating against the respondents.

On the other hand, learned Assistant Government Pleader for Revenue produced written instructions stating that petitioners' application could not be considered due to pendency of civil suit in OS.No.462/2018 on the file of Senior Civil Judge, Narsaraopet, in respect of the subject land and that the same is also informed to the petitioners' counsel through the impugned endorsement dated 23.06.2017.

In this case it is to be seen that even the impugned endorsement dated 22.06.2017 placed by the learned Assistant Government Pleader before this Court does not state that any injunction is operating against the parties in the civil suit. Mere pendency of suit may not be a ground for not considering the petitioners' applications.

In view of the same, since the impugned order does not give any proper reasons and since no notice was issued before rejection of application of petitioners, the impugned endorsement dated 23.06.2018 is set aside and the Tahasildar-1st respondent is directed to reconsider the application of the petitioners after issuing notices to the objectors and affected parties, within a period of two months from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.RAJASHEKER REDDY,J

06.11.2018
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