

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.43243 of 2018

ORDER:

It is the case of the petitioners that one Sri Venkatagiri Estate Proprietor Sri Maharaja Rajasree Sree Raja Velugotti Sarvagna Kumara Krishna Yachanda Bahaduru granted an unconditional patta in favour of Ragipati Subbaiah, Nallati Chinna Maduraiah, Muddi Adi Reddy and Ponnepula Narasayya dated 12-02-1941, 1350 Fasli, for Paimash No.158-13 for an extent of Ac.2-80 cents at Chevireddypalli Village, Venkatagiri (T). That the above patta holder's sons namely Ragipati Venkatasubbaiah, S/o Subbaiah, Nallati Maduraiah Dharmalingam S/o Chinna Maduraiah, Mudda Krishna Reddy S/o Adi Reddi and Ponnepula Venkataiah S/o Narasaiah, who are having peaceful possession and enjoyment of the subject land i.e. Ac.0-30 cents in Sy.No.109/9a, Ac.1-00 cents in Sy.No.109/9b, Ac.0-50 cents in Sy.NO.109/9c, Ac.1-00 cents in Sy.No.109/9d respectively. After death of original assignee, the legal heirs were in continuous possession and enjoyment of the same and their names were also mutated in revenue records. It is also stated that since the revenue records in respect of subject land was not produced at Mee-seva, the Tahsildar, Venkatagiri Mandal kept the same in digitally unsigned records list. Since 1941, the petitioners and their predecessors are enjoying the subject lands and the names of their ancestors/predecessors were also mutated in revenue records. When the petitioners approached the 4th respondent

for issuance of market value certificate, they were informed that subject land is included in the list of prohibited properties. On that they made an application 12-10-2018 to the 4th respondent to furnish the list of prohibited properties and the 4th respondent furnished the list by stating that subject land is assigned land. Though the Government issued G.O.Ms.No.575, dated 16-11-2018 for deletion of government lands assigned prior to 18-06-1954 from the purview of Section 22-A of the Registration Act, the respondents are not taking any action in terms of said G.O. Aggrieved by the same, the present writ petition is filed.

Learned Assistant Government Pleader for Revenue produced written instructions stating that subject land is mentioned as "Gayalu" and as per manual ROR 1B Register, pattadar passbooks were not issued to anybody in the subject survey number. The estate patta said to have been issued in fasali 1350 by the estate proprietor i.e. Rajah of Venkatagiri is before survey settlement operations. It is also stated that as nobody claimed the land during survey settlement operations, it was noted as "Gayalu" in the fair Adangal.

The impugned proceedings containing the list of prohibited properties also go to show that subject land is an assigned land. The petitioners have produced a copy of patta, which goes to show that patta is granted in the year 1941 and the Government issued G.O.Ms.No.575 Revenue (Assignment-1) Department, dated 16-11-2018, the relevant portion of the same is as under:

“ Prior to 18.06.1954, there was no condition of non-alienation of assigned lands. Moreover as per Sub-Section (1) of Section 2 of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. “Assigned land” means assigned by the Government to the landless poor persons under the rules for the time being in force, subject to the condition of non-alienation and includes lands allotted or transferred to landless poor persons under the relevant law for the time being in force relating to land ceilings, and the word “assigned” shall be construed accordingly”.

The Spl.C.S.& Chief Commissioner of Land Administration has suggested that all assignments made prior to 18-06-1954 may be considered for deletion from the purview of section 22-A of Registration Act, 1908 as there was no condition of non-alienation. The condition of non-alienation to non-British subjects may be ignored as it is irrelevant at present. The clear statement about the assigned lands prior to 18.06.1954, will settle a number of land matters and court cases being faced by the Revenue Department.

5. After careful examination of the matter, Government hereby order for deletion of Government lands assigned prior to 18.06.1954 from the purview of Section 22-A of Registration Act, 1908.”

This Court is not deciding any *interse* rights of the parties except ordering for deletion of subject land from the prohibited list in view of the G.O. Ms.No.575, dated 16-11-2018.

In view of the same, the writ petition is allowed. When the documents are presented for registration, it is for the Sub-Registrar concerned to receive and register the same, if the same is in order as per provisions of Stamp Act and Registration Act and if it is not prohibited for registration by any order/injunction passed by the Court or competent

authority. If he wants to refuse registration, he shall record reasons and communicate the same to the parties. There shall be no order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

14-12-2018
Nvl



