

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.40815 of 2017

ORDER:

The petitioners are aggrieved by the action of the Sub Registrar, Rajampet, Kadapa District, in not registering the documents presented by them in respect of their lands in Survey Nos.1215/2 (old 1167, as per RSR), 1215/1 (old 1167 as per RSR), 1215/3 (old 1167 as per RSR) and 1215/5 (old 1167 as per RSR) of Tallapaka Revenue Village, Rajampet Mandal, Kadapa District.

2. Learned Assistant Government Pleader for Revenue, basing on the written instructions dated 02.04.2013 furnished by the Tahsildar, Rajampet, states that the subject lands are classified as Assessed Waste Dry (AWD) lands on the basis of 'dots' shown against the subject Survey Numbers in the Resurvey and Resettlement Register.

3. This Court has time and again held that entries in the R.S.R. Register would not be sufficient proof of the lands indicated therein as AWD lands, on the basis of 'dots', being Government lands. In the event the Government asserts any right or interest in such lands and there is a dispute raised by those in possession of such lands, the Government would necessarily have to assert and establish its right and interest before the competent forum in accordance with law. It cannot unilaterally prohibit registration of documents in respect of such lands by communicating a list based on the Revenue entries to the Registration Authorities. Further, mere registration of a document would not by itself divest the Government of its interest and title, if any, in such land and it

would always be open to the Government to establish its claim before the competent forum and seek cancellation of the registered document.

4. The writ petition is accordingly disposed of declaring the action of the Revenue Authorities in treating the subject lands as Government lands basing on the entries in the R.S.R Register, as illegal. There shall a consequential direction to the Sub-Registrar, Rajampet, Kadapa District, to receive and process the documents presented by the petitioners in respect of the subject lands without reference to the claim of the Government. In the event the documents presented fulfil the requirements of law, the Sub-Registrar, Rajampet, Kadapa District, shall complete the registration formalities and release the documents in accordance with the due procedure.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JANUARY 23, 2018
YVL

A.RAMALINGESWARA RAO, J

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO



WRIT PETITION No.40815 of 2017

Date: 23.01.2018

YVL