

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 44307 of 2017

Order:

The petitioner claims to have purchased the land to an extent of Ac.1-76 cents in Survey Nos.344/12, 344/18, 346/2R and 356/7A1 of Ugginapalem village, Butchaiahpet Hamlet, Kasimkota Mandal, Viskahapatnam from his vendors on 05.11.2016. It was the ancestral property of his vendors. It is the private patta land. The vendors of the petitioner possessed the pattadar passbooks and title deeds. Their names were also reflected in the revenue records. While so, when the vendors of the petitioner executed a sale deed on 05.11.2016 and submitted the document for registration in favour of the petitioner by paying requisite stamp duty and registration fee, the third respondent refused to accept the said document on the ground that he received intimation from the fifth respondent dated 13.06.2017 stating that till the enjoyment survey is completed, no transaction should be registered in respect of the lands mentioned therein. Challenging the said endorsement dated 13.06.2017 and the action of the third respondent in not accepting the document for registration, the present Writ Petition is filed.

A reading of the impugned endorsement shows that in view of the dispute among the farmers, the revenue department undertook enjoyment survey, but the said lands were not included in the list of prohibited properties. The lands mentioned in the endorsement are as follows:

Sl.No.	Survey No.	Extent Ac. - Cents
1.	328/6	0.20
2.	344/12	0.09
3.	344/18	0.16
4.	346/2	0.30
5.	356/7A1	1.21
6.	389/26	0.20
	Total	2.16

When the lands were not included in the list of prohibited properties, the third respondent should have taken the document dated 05.11.2016 for registration in accordance with the provisions of the Registration Act. In the circumstances, there shall be a direction to the third respondent to receive the document dated 05.11.2016 submitted by the vendors of the petitioner for the purpose of registration and if the document is in proper form complying with the formalities in all respects the same shall be considered for registration in accordance with law. If for any reason, the third respondent feels that the document cannot be registered, he shall make an endorsement to that effect under Section 71 of the Registration Act in order to enable the petitioner to take appropriate legal steps against the said endorsement.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

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

A. RAMALI NGESWARA RAO, J

Date: 23.01.2018

Nsr