

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Writ Petition No.13193 of 2019

ORDER :

Heard the counsel for petitioners, and the learned Government Pleader for Revenue, for respondent nos.1 to 5.

2. This Writ Petition is filed by petitioners challenging the order dt.30.03.2019 passed by 5th respondent rejecting the appeal under Section 72 of the Registration Act, 1908 filed by petitioners against the order dt.13.08.2015 passed in Refusal Order No.13/2015 of the 4th respondent.

3. The 4th respondent had refused registration of the document bearing No.P3210/2013 presented by petitioners on the ground that petitioners did not produce pattadar pass books and title deeds for verification.

4. Thereafter, the petitioners preferred appeal before 5th respondent specifically stating that they did produce it at the time of registration and they are again producing it along with the appeal. In spite of the same, the 5th respondent passed the impugned order on 30.03.2019 saying that petitioners did not produce the pattadar pass books and title deeds and the order passed by the 4th respondent was correct. In addition, the 5th respondent also referred to Section 22-A (1)(d) of the Registration Act, 1908 also, apart from Section 6(D) of

the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971.

5. It is settled law that a statutory order has to be sustained on its contents and cannot be supported by new reasons which are not contained in it. [See **Mohinder Singh Gill v. Chief Election Commissioner**¹]

6. When the order passed by 4th respondent did not make any reference to Section 6(D) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 or to Section 22-A (1)(d) of the Registration Act, 1908, it is not open to 5th respondent to create or invent reasons to sustain the order of rejection passed by 4th respondent.

7. Admittedly, pattadar pass books and title deeds were issued to petitioners and copies of the same were also filed along with the Writ Petition affidavit.

8. It is nobody's case that petitioners' lands are surplus agricultural or urban land ceiling lands, and there is no material referred to by the 5th respondent in support of the Notification under Section 22-A (1)(d) of the Registration Act, 1908. That apart, Section 6(D) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (which was amended with effect from 17.06.2017 vide T.S.No.1 of 2018 which requires verification of Webland data) cannot

¹ 1978 (1) SCC 405

have any retrospective operation and apply to a sale deed executed in 2013, and there is no question of the petitioners having to comply with the same.

9. Therefore, the contention of the learned Government Pleader, appearing for respondent nos.1 to 5 that the order of the appellate authority is justified, cannot be sustained.

10. Accordingly, the Writ Petition is allowed. The 4th respondent is directed to register the document bearing No.P3210/2013 if it is otherwise any order as and when it is presented by petitioners. No order as to costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 01.10.2019

Ndr/*