

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.46611 of 2018

ORDER:

The grievance of the petitioner is that the Sub-Registrar, Vallabh Nagar, Medchal-Malkajgiri District, is refusing to register the sale deed presented by him relating to Plot No.150 (303 square yards) in Sy.No.591 of Alwal Village and Mandal, Medchal-Malkajgiri District.

Perusal of the record reflects that the Public Information Officer attached to the office of the Sub-Registrar, Medchal-Malkajgiri District, addressed communication dated 18.12.2018 to the son of the petitioner informing him that as per the records of his office, Survey No.591 of Alwal Village was covered under the Urban Land Ceiling (ULC) and therefore registration of properties falling in this survey number could not be done unless cleared by the revenue authorities.

Sri D.Sudhakar Reddy, learned counsel representing Sri Pottigari Sridhar Reddy, learned counsel for the petitioner, would however point out that as long back as in October, 2013, the Government of Andhra Pradesh through its Special Officer and Competent Authority, ULC, Revenue Division, informed the vendor of the petitioner that Plot No.150 in Survey No.591, Alwal Village, Medchal Mandal, Ranga Reddy District, did not fall within the surplus area determined under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976, and therefore, the question of regularization of the occupation of the said plot under G.O.Ms.No.455 dated 29.07.2002 would not arise. A copy of the letter dated 25.10.2013 addressed by the Special Officer and Competent Authority, ULC, is placed on record and bears out this fact.

In the light of the clearance given by the ULC as long back as in October, 2013, it is not open to the registration authorities to baldly claim

the entire land in Survey No.591 of Alwal Village, would be covered by ULC issues.

As the vendor of the petitioner has already got clearance in so far as Plot No.151 in Survey No.591 of Alwal Village, is concerned from the ULC authorities, the Sub-Registrar, Vallabh Nagar, Medchal-Malkajgiri District, is directed to entertain the sale deed presented by the petitioner for registration and process the same in accordance with the provisions of the Registration Act, 1908 (for short, 'the Act of 1908') and the Indian Stamp Act, 1899. In the event the Sub-Registrar seeks to exercise power under Section 76 of the Act of 1908 and refuse registration, he shall pass a reasoned order in that regard and communicate the same to the petitioner. This entire exercise shall be completed expeditiously and in any event, not later than one month from the date of receipt of a copy of this order.

The writ petition is disposed of with the above directions.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:03.01.2019

GJ