APHC010379502019

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3333]**
(Special Original Jurisdiction)

WEDNESDAY, THE 28th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 18176/2019

Between:

1. INJETI VENKATESWARLU,, S/O. I.CHINNAPPA, AGED ABOUT 61 YEARS, RTD. EMPLOYEE, R/O. DOOR NO.41/576, SANKARAPURAM, KADAPA, YSR KADAPA DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.
2. THE DISTRICT REGISTRAR OF STAMPS AND REGISTRATION, YSR KADAPA DISTRICT, KADAPA.
3. THE SUBREGISTRAR, RAYACHOTY, YSR KADAPA DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased toto issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents particularly respondent Nos. 2 and 3 in insisting for payment of stamp duty on the present market value for registration of the document sent in EP.No.40/2016 in OS.No.35/2003 on the file of the senidr civil judge, Rayachoty through its letter dt.04-05-2019 to the 3rd respondent though the petitioner had not contributed for delay in registration of the document as illegal, unjust, arbitrary and against statutory provisions and consequently direct the 2nd and 3rd respondents to register the document as per the value

shown in the document and release the same in favour of the petitioner without insisting for payment of stamp duty basing on the present market value and pass

IA NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 3rd respondent to register the document sent through the letter dt.04-05-2019 as per the value shown in the document, pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1. INENI VENKATA PRASAD

Counsel for the Respondent(S):

1. GP FOR REGISTRATION AND STAMPS (AP)

The Court made the following:

ORDER:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

> *"…to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents particularly respondent Nos.2 and 3 in insisting for payment of stamp duty on the present market value for registration of the document sent in EP.No.40/2016 in O.S.No.35/2003 on the file of the senior civil judge, Rayachoty through its letter dated. 04.05.2019 to the 3rd respondent though the petitioner had not contributed for delay in registration of the document as illegal, unjust, arbitrary and against statutory provisions and consequently direct the 2nd and 3rd respondents to register the document as per the value shown in the document and release the same in favour of the petitioner without insisting for payment of stamp duty basing on the present market value…."*

2. The case of the petitioner is that he has filed O.S.No.35 of 2003 on the file of the Court of the Senior Civil Judge, Kadapa, against one Pattan Kasim Khan and others, seeking specific performance of an agreement of sale, and obtained a decree dated 08.01.2004. Thereafter, he filed an Execution Petition in the year 2009, which was numbered as E.P.No.103 of 2011 in the year 2011. Subsequently, the said E.P. was transferred to the Court of the Senior Civil Judge, Rayachoty, in the year 2016 and renumbered as E.P.No.40 of 2016. After several adjournments in the execution proceedings, the learned Senior Civil Judge, Rayachoty, vide letter dated 04.05.2019,

forwarded the sale deed, valued at Rs.1,50,000/-, through the E.P. Bench Clerk to the 3rd respondent for registration in favour of the petitioner. The grievance of the petitioner is that respondent No.2 is insisting upon payment of stamp duty calculated on the present market value of the property, instead of the value mentioned in the sale deed. Aggrieved by the same, the present Writ Petition has been filed.

3. Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Stamps and Registration.

4. On a perusal of the said facts, it can be observed that the document is sought to be registered pursuant to the letter dated 04.05.2019 addressed by the learned Senior Civil Judge, Rayachoty, to the 3rd respondent/Sub-Registrar, transmitting the sale deed, value at Rs.1,50,000/-, in E.P.No.40 of 2016 in O.S.No.35 of 2003, on the file of the learned Senior Civil Judge, Rayachoty, for registration through the E.P. Bench Clerk of the Court, duly exempting personal appearance under Section 88(1) of the Andhra Pradesh Registration Act. As the said sale deed was transmitted by the learned Senior Civil Judge, Rayachoty, pursuant to the decree dated 08.01.2004 obtained by the petitioner in O.S.No.35 of 2003 in E.P.No.40 of 2016, this Court is of opinion that the role of the Sub-Registrar is very limited only to the extent of registering the sale deed basing on the market value prevailing as on that day.

5. In view of the above, this Court is of the opinion that the respondents are justified in insisting on payment of stamp duty based on the market value prevailing on the date of registration and not on the value mentioned in the document. Therefore, the Writ Petition is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Consequently, all pending miscellaneous applications, if any, shall stand closed.

JUSTICE V.SUJATHA

Dated: 28.10.2026
KGR/GCD