

THE HONOURABLE MS. JUSTICE J.UMA DEVI

PETITION No.13316 of 2020

ORDER: (Heard and pronounced through Blue Jeans App (Virtual) mode, since this mode is adopted on account of prevalence of COVID-19 Pandemic).

Challenging the action of the 6th respondent-Sub Registrar in refusing to register the sale certificate dated 01.07.2019, presented by the petitioner on 12.07.2019, issued by the Principal Senior Civil Judge, Eluru, West Godavari, the present writ petition is filed.

The grievance of the petitioner is that he obtained the preliminary decree in his favour in a mortgage suit from the Court of Principal Senior Civil Judge, Eluru, West Godavari District on 20.04.2013. Pursuant to the same a final decree was passed on 19.02.2015 by the same Court and as the JDr was not coming forward to discharge the debt covered under the mortgage decree, the petitioner filed the E.P.No.237 of 2017 in O.S.No.190 of 2010 on the file of Principal Senior Civil Judge, Eluru, West Godavari District for sale of the mortgaged situated at Vatluru Village, Pedapadu Mandal, West Godavari District for recovery of the debt covered under the decree.

Petitioner's further submission is that after hearing both sides, the property of 100 sq. yards out of total extent of 330 sq. yards which is the southern bit of total extent of Ac.0.56 cents situated in R.S.No.218/2 of Vatluru Village is put to sale and the sale is held on 20.03.2019; with the permission of the Court, the petitioner participated in bid conducted by the Court and he was declared as auction purchaser on 20.03.2019 and sale was confirmed in his favour for Rs.10,80,000/- and the sale certificate was also issued in his favour by the Principle Senior Civil Judge's Court, Eluru on 01.07.2019.

Petitioner further submits that by virtue of official memorandum dated 12.07.2019, the Principle Senior Civil Judge's Court, Eluru directed the Sub Registrar, Vatluru to register the sale certificate according to law, but sale certificate was returned to the Court along

with a letter dated 21.08.2019 by the Sub Registrar, Vatluru to the effect that the property mentioned in the sale certificate is in the “prohibitory property list”.

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

Learned counsel for the petitioner submits that a representation is submitted by the petitioner on 29.06.2020 to the respondents requesting to accord permission to the petitioner to effect the registration of his sale certificate dated 01.07.2019, issued by the Principle Senior Civil Judge, Eluru, in order to have good title for the purpose of peaceful enjoyment of the property covered under the sale certificate and also to make alienations of the same, but the respondents are not taking any steps for disposing of the representation dated 29.06.2020, of the petitioner and kept it pending.

Having regard to the facts and circumstances of the case and also in view of the submission made by the learned counsel for the petitioner that the representation dated 29.06.2020 of the petitioner is pending with the respondents, I feel it appropriate to dispose of the writ petition directing the respondents to pass appropriate orders on the representation dated 29.06.2020, in accordance with law, within a period of four weeks from the date of receipt of copy of this order.

With the above direction the writ petition is disposed of. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

J.UMA DEVI, J

Date:13.08.2020.
Gk

THE HONOURABLE MS. JUSTICE J.UMA DEVI

WRIT PETITION No.13316 of 2020

Date:13.08.2020

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