

THE HON'BLE SRI JUSTICE D. RAMESH
WRIT PETITION NO.16462 of 2022

ORDER:-

This Writ Petition is filed under Article 226 of the Constitution of India seeking to direct the respondents to entertain the documents in respect of the land pertaining to Sy.No.1116/5 of Tallapaka Revenue Village, Annamaiah District, to an extent of 330.39 Sq.Yds and 142.70 Sq Yds for registration.

2. Heard both the learned counsel appearing for the petitioners and the learned Government Pleader appearing for the respondents.

3. It is the case of the petitioners that originally, the subject land was assigned in the name of Sri Naruboyina Yellaiah, who obtained loan from District Cooperative Central Bank Limited, Rajampet Branch, Kadapa District and could not pay the same and therefore, the property was auctioned, whereby one Sri Geethala Pratap Reddy purchased the same vide sale certificate dated 29.6.2012, who thereafter sold the property to Chinnabeemu Gangi Reddy under Registered Document No.3480/2012 dated 8.8.2012 from whom the petitioners obtained the subject land under two differed registered sale deeds bearing Nos. 968/2013 and 967/2013 respectively.

4. The grievance of the petitioners is that now when they want to sell the subject land due to their financial constraints, approached the 3rd respondent for presentation of documents for registration but the same are not being received by the 3rd respondent on the ground that originally the said lands were assigned.

5. The said issue is no more res-integra in view of the judgment rendered by the Division Bench of this Court, in case between Sub Registrar, Srikalahasti, Chittoor District and Another v. K.Guravaiah and

Another¹, wherein the Division Bench of this Court while interpreting the provisions of Sections 5 and 6 and explanation to Section 2 of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1997, held that if the assigned lands are purchased by the third parties in execution of award by the Cooperative Central Bank, they lose the characteristics of assigned land and the Sub Registrar cannot refuse to register the documents presented for transfer of title on the ground that the said lands were assigned ones.

6. The learned Government Pleader appearing for Revenue Department stated that the subject matter is covered in view of judgment rendered in K.Guravaiah's case (1 supra).

7. Following the judgment referred to above, as it is stated that the vendors of the petitioners purchased the lands in question in the auction conducted in execution of the awards passed under the provisions of the Andhra Pradesh Cooperative Societies Act, 1964, I allow this writ petition with the direction that if the documents for sale are presented for registration, the registering authority shall receive and process the same for registration without reference to the ground that the said lands were originally assigned. It is made clear that it is open to the 3rd respondent to scrutinize such documents in accordance with the provisions of the Indian Stamp Act, 1899 and the Registration Act, 1908.

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

D.RAMESH,J

Date: 21.6.2022
PA.

¹ 2009(2)ALD 250 (DB)

HON'BLE SRI JUSTICE D.RAMESH

WRIT PETITION NO. 16462 of 2022

DATED: 21..06.2022

PA.

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE No:W.P.No.16462 of 2022

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
01.	21.06.2022	<p><u>DR, J</u></p> <p>Writ Petition is allowed. (VSO)</p> <p>_____</p> <p>DR,J</p> <p>PA.</p>	

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