

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND EIGHT

PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 9570 of 2008

Between:

Bonda Rama Krishna Rao S/o. Bonda Krisna Murthy
Beemavaram Town, Beemvaram Mandal, West Godavari District.

..... PETITIONER

AND

- 1 The Sub-Registrar, Narsipatnam Registrar Office, Narsipatnam,
Visakhapatnam District.
- 2 The District Registrar, Visakhapatnam.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order, direction especilaly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not registering the Sale Deed tendered for registration with P.No.20/2007 dated 25.04.2007 is illegal, arbitrary and contrary to provisions of Registration Act and the Rules made there under, consequently direct the 1st respondent to release the Document forthwith and pass

Counsel for the Petitioner:MR.CH.RAVINDER

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 9570 of 2008

Order:

It is the case of the petitioner that himself and others have purchased different extents of land situated in Sy. Nos. 57/2, 76/2, 83/2, 93/1, 93/2, 93/3, 95/2, 95/3, 95/4, 95/5 and 95/6 of Pappusettypalem Village, Golugonda Mandal, Narsipatnam Sub-Division, Visakhapatnam District on 25.04.2007 and presented the document before the 1st respondent for registration along with others. At the time of registration, it was informed to him by the

1st respondent that the documents will be released within one week after completing the necessary formalities and pending registration P. No. 20/2007 was given. As the document has not been released for the last one-year he filed the present writ petition seeking a direction to the 1st respondent to release the document forthwith.

When the writ petition was taken up for admission, it was submitted by the learned counsel for the petitioner and admitted to by the learned Assistant Government Pleader for Revenue that identical Writ Petition Nos.8717 of 2008 and batch, covering the property in Sy. Nos. 57/2, 76/2, 83/2, 93/1, 93/2, 93/3, 95/2, 95/3, 95/4, 95/5 and 95/6 of Pappusettipalem village, upon receipt of instructions from the respondents to the effect that the property covered by the said survey numbers are assigned lands as per computer, and that the Mandal Revenue Officer, Goulgonda, certified that the above lands are not assigned lands, were disposed of by this Court with certain directions, even though it was submitted that as per the Circular Memo No.1/15653.2006 of the Inspector General of Registration and Stamps, Hyderabad, dated 13.11.2006, the matter was referred to the Collector for confirmation of the Certificate dated 28.04.2007, issued by the Mandal Revenue Officer, and therefore, the document was kept pending. On such identical writ petitions being W.P. No. 8717 of 2008 and batch were disposed of by this Court, by order dated 23.04.2008, with the following directions:

“Once the documents are presented for registration, the Sub-Registrar shall either register the same or return but it is not proper for him to keep the documents pending for years together that too in the light of the certificate issued by the Mandal Revenue Officer stating that the lands are patta lands. Even if he wants any clarification, he shall get the same in a reasonable time and shall not keep the matter pending. Therefore, without going into the merits of the matter, the 1st respondent – Sub-Registrar, Narsipatnam is granted six weeks time from the date of receipt of a copy of this order to get proper instructions from the District Collector as to whether the lands are patta lands or assigned lands. In case if he fails to get any clarification from the District Collector within the stipulated time, he shall get the documents registered and release the same.”

In the circumstances, following the judgment of this Court passed in W.P. No. 8717 of 2008, dated 23.04.2008, this writ petition is also disposed of on the same terms. No costs.

N.V.RAMANA, J.

Date: 29.04.2008
Ksr/Nsr