

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.38002 of 2013

Dated : 13.02.2014

Between:

-

K.Baba Fakruddin, s/o. Hussain Sab,
Occu:Business, r/o.Banaganapalle Village,
Kurnool district.

.. Petitioner

And

The Sub-Registrar, Banaganapalle,
Kurnool District and others.

.. Respondents

HON'BLE SRI JUSTICE P.NAVEEN RAO

-

WRIT PETITION No.38002 of 2013

ORDER :

With the consent of counsel for petitioner and learned Assistant Government Pleader, writ petition is disposed of at admission stage.

2. The case of the petitioner is that petitioner is the absolute owner of the house property bearing No.12/42-3, H.S.C.No.8538, admeasuring to an extent of 700.81 square feet together with land to an extent of 90.10 square yards, situated in Survey No.81/1A-1 of Banumukkala Village, Banaganapalle Mandal, Kurnool District. With an intention to dispose of the property owned by the petitioner, he approached the Sub-Registrar, Banaganapalle, Kurnool District (1st respondent) for the purpose of market value certificate. The first respondent instead of issuing market value certificate, issued proceedings dated 09.12.2013 stating that the property covered by Survey No.81/1A1 of Bhanumukkala village is prohibited property. Aggrieved thereby, this writ petition is instituted.

3. The petitioner placed reliance on the decision of this Court in W.P.No.17917 of 2013 concerning the same survey number. It is represented on behalf of the Government, on instructions, that the land is noted as *poramboke (gramakantam)* in the resurvey and settlement register (RSR) of Bhanumukkala village and, therefore, cannot be registered. The said objection was rejected by this Court. This Court held as under:

“that mere communication that the subject land is a *gramakantam* as per the revenue record has no real consequence. In the event there is a little dispute with regard to such land, the Government would necessarily have to assert and establish its title before the competent forum in accordance with law. It cannot unilaterally prohibit registration of documents in respect of such land basing on such revenue entries”.

4. Learned Government Pleader reiterated same stand as was considered by this Court in W.P.No.17917 of 2013.

5. In view of the above decision, this writ petition is also disposed of directing the Sub-Registrar, Banaganapalle, Kurnool District (1st respondent) to receive and process the document presented by the petitioner in respect of the house property bearing No.12/42-3, H.S.C.No.8538, admeasuring to an extent of 700.81 square feet together with land to an extent of 90.10

square yards, situated in Survey No.81/1A-1 of Banumukkala Village, Banaganapalle Mandal, Kurnool District, without reference to the entries in the revenue records. In the event the document presented is found to fulfill the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899, the Sub-Registrar, Banaganapalle, shall complete the registration formalities and release the document in accordance with the due procedure.

If, however the 1st respondent is of the opinion that the documents presented for registration warrants denial, he shall pass orders in writing indicating the reasons for such refusal and communicate the same to the party in accordance with Section 71 of the Registration Act, 1908. There shall be no order as to costs.

Miscellaneous petitions if any pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 13.02.2014.

kkm

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.38002 of 2013

Dated : 13.02.2014

-

kkm