

**OFFICE OF THE COMMISSIONER AND INSPECTOR GENERAL OF
REGISTRATION AND STAMPS AP HYDERABAD
CIRCULAR MEMO**

Memo No. 1/Gen.1/ 2010

Dated: 10.03.2010

Sub:- Registration and Stamps Department - Registration of documents by the sub Registrars when is on injunction order issued by the Civil Court is in force - Instructions issued - Regarding.

Ref:- 1) Go.Ms.No.497 Rev (Regn.I) Dept., dt. 07.04.2003 Principal Secretary to Government, Revenue (Regn) Department AP Secretariat, Hyderabad.

2) Go.ms.No.620 Rev (Regn.1) Dept., dt. 28009.2003, Prinicpal, Secretary to Government, Revenue (Regn.) Department AP Secretariat, Hyderabad. (Amendment)

Instances have come to the notice of the Commissioner & Inspector General of Registration and Stamps, that in certain cases the Sub Registrars registered documents when an injunction order issued by the Civil Court is in force. The explanation given in such cases by the Sub Registrars is that the injunction is given to the other parties and not to the Sub Registrar

The contention of the Sub Registrar is not correct. The instructions issued in the reference 1st and 2nd cited are reiterated.

The Standing Order No.219(b) speaks as follows: (b) If the Andhra Pradesh High Court or any other Civil Court restrains a person from alienating a property and if such orders are brought to the notice of the Registering Officers or served on the Registering Officer. The Registering Officer is estopped from going ahead with the Registration".

Therefore, all the Registering Officers are requested to follow the instructions issued the said standing Order scrupulously.

Commissioner & Inspector General of

Encl: Reference 1 and 2
Hyderabad.

Registration and Stamps AP

**Office of the Commissioner and Inspector General
of Registration and Stamps, A.P., Hyderabad**

Memo NO. G1/19131/2005

Dated :1-12-2012

Sub: Lands Minorities Welfare Department – Illegal sales of Christian Properties – Insisting of “No Objection

Certificate” from Collectors to protect the lands – Orders Issued dated 4-6-2012 are withdrawn – Reg.

Ref: 1) C.C.L.A.’s Ref. No. BB2/960/2012 dated 3-5-2012

2) Commissioner & Inspector General of R&S Memo NO. G1/19131/2005 dated 4-6-2012

3) CCLA's Letter No. BBB-2/960/2012 Dated 30-11-2012

The attention of the Deputy Inspectors General , District Registrars and Sub Registrars in the State is invited to the subject and references cited. Through the reference 1st cited Chief Commissioner of Land Administration requested to issue instructions to all the Registering Officers with regard to restraining the Registration of Christian Properties in favour of 3rd parties, if they do not produce any NOC by the District Collectors. Accordingly instructions were issued to obtain "No Objection Certificates" from the concerned District Collectors if documents involving Christian Properties are presented for registration, vide reference 2nd cited.

Now, through the reference 3rd cited, the Chief Commissioner of Land Administration & Special Chief Secretary to Government, A.P, Hyderabad has withdrawn the instructions issued vide reference 1st cited. Hence, instructions issued vide this office memo no. G1/19131/2005 dated 4-6-2012 are hereby withdrawn.

Sd/ Dr Vijay Kumar
Commissioner & Inspector General of
Registration and Stamps A.P. Hyderabad

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Revenue (Registration and Stamps) Department – Amalgamation of office of the Registrar and offices of Sub Registrar in Ranga Reddy Registration District – Orders - Issued.

REVENUE (REGISTRATION-I) DEPARTMENT

G.O.Ms.No. 119

Dated: 27.02.2013

Read:

From the Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh
Lr.No.G1/1145/2013, Dt.20.02.2013.

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ORDER:

Hitherto, the documents of immovable property are registered only with the Sub-Registrar having jurisdiction over the area where the land is located. The Government have decided to permit the registration of documents of immovable property without reference to the jurisdiction of Sub Registrar Office on a limited scale in Registration Districts so that a person can go to any Sub-Registrar Office of his choice in the registration district for registering his documents. It is proposed to extend the said system in Ranga Reddy Registration District.

The following notification will be published in an extraordinary issue of the A.P. Gazette dated: 01-03-2013.

NOTIFICATION

In exercise of the powers conferred by sub-section (2) of Section 7 of the Registration Act, 1908 (Act 16 of 1908) and in supercession of all other notifications issued in this behalf, the Government of Andhra Pradesh hereby amalgamate with effect from 01-03-2013, the Sub-Registrar Offices mentioned in Column (3) of the Schedule appended hereto with Registrar

Office, Ranga Reddy and they shall be named and styled as Office of the Joint Sub-Registrars, as mentioned in Column (4).

The Registrar Office and all the Joint Sub-Registrar Offices shall have the concurrent jurisdiction over the entire Registration District of Ranga Reddy.

SCHEDULE

Sl. No.	Registration District	Registration Sub-District	Name of the office of the Joint sub-Registrar
1	2	3	4
1	Ranga Reddy	Balanagar	Joint Sub- Registrar -3, Balanagar
2	Ranga Reddy	Chevella	Joint Sub- Registrar-4, Chevella
3	Ranga Reddy	Gandipet	Joint Sub- Registrar-5, Gandipet
4	Ranga Reddy	Kukatpally	Joint Sub- Registrar-6, Kukatpally
5	Ranga Reddy	Medchal	Joint Sub-Registrar-7, Medchal
6	Ranga Reddy	Parigi	Joint Sub-Registrar-8, Parigi
7	Ranga Reddy	Qutbullapur	Joint Sub-Registrar-9, Qutbullapur
8	Ranga Reddy	Rajendranagar	Joint Sub-Registrar-10, Rajendranagar
9	Ranga Reddy	Serilingampally	Joint Sub-Registrar-11, Serilingampally
10	Ranga Reddy	Shamshabad	Joint Sub-Registrar-12, Shamshabad
11	Ranga Reddy	Shankarpally	Joint Sub-Registrar-13, Shenkarpally
12	Ranga Reddy	Tandoor	Joint Sub-Registrar-14, Tandoor
13	Ranga Reddy	Vallabhanagar	Joint Sub-Registrar-15, Vallabhanagar
14	Ranga Reddy	Vikarabad	Joint Sub-Registrar-16, Vikarabad

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

VINOD K. AGRAWAL
PRINCIPAL SECRETARY TO GOVERNMENT

GOVERNMENT OF ANDHRA PRADESH **ABSTRACT**

Revenue (Registration and Stamps) Department – Amalgamation of office of the Registrar and offices of Sub Registrar in Ranga Reddy (East) Registration District – Orders - Issued.

REVENUE (REGISTRATION-I) DEPARTMENT

G.O.Ms.No. 120

Dated: 27.02.2013

Read:

From the Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh
Lr.No.G1/1145/2013, Dt.20.02.2013.

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ORDER:

Hitherto, the documents of immovable property are registered only with the Sub-Registrar

having jurisdiction over the area where the land is located. The Government have decided to permit the registration of documents of immovable property without reference to the jurisdiction of Sub Registrar Office on a limited scale in Registration Districts so that a person can go to any Sub-Registrar Office of his choice in the registration district for registering his documents. It is proposed to extend the said system in Ranga Reddy (East) Registration District.

The following notification will be published in an extraordinary issue of the A.P. Gazette dated: 01-03-2013.

NOTIFICATION

In exercise of the powers conferred by sub-section (2) of Section 7 of the Registration Act, 1908 (Act 16 of 1908) and in supercession of all other notifications issued in this behalf, the Government of Andhra Pradesh hereby amalgamate with effect from 01-03-2013, the Sub-Registrar Offices mentioned in Column (3) of the Schedule appended hereto with Registrar Office, Ranga Reddy (East) and they shall be named and styled as Office of the Joint Sub-Registrars, as mentioned in Column

(4). The Registrar Office and all the Joint Sub-Registrar Offices shall have the concurrent jurisdiction over the entire Registration District of Ranga Reddy (East).

SCHEDULE

Sl. No.	Registration District	Registration Sub-District	Name of the office of the Joint sub-Registrar
1	2	3	4
1	Ranga Reddy (East)	Abdullapur	Joint Sub- Registrar -3, Abdullapur
2	Ranga Reddy (East)	Champapet	Joint Sub- Registrar-4, Champapet
3	Ranga Reddy (East)	Ghatkesar	Joint Sub- Registrar-5, Ghatkesar
4	Ranga Reddy (East)	Hayathnagar	Joint Sub- Registrar-6, Hayathnagar
5	Ranga Reddy (East)	Ibrahimpnam	Joint Sub-Registrar-7, Ibrahimpnam
6	Ranga Reddy (East)	Kapra	Joint Sub-Registrar-8, Kapra
7	Ranga Reddy (East)	Keesara	Joint Sub-Registrar-9, Keesara
8	Ranga Reddy (East)	Maheswaram	Joint Sub-Registrar-10, Maheswaram
9	Ranga Reddy (East)	Malkajiri	Joint Sub-Registrar-11, Malkajiri
10	Ranga Reddy (East)	Narapally	Joint Sub-Registrar-12, Narapally
11	Ranga Reddy (East)	PeddaAmberpet	Joint Sub-Registrar-13, PeddaAmberpet
12	Ranga Reddy (East)	Sarooranagar	Joint Sub-Registrar-14, Sarooranagar
13	Ranga Reddy (East)	Shameerpet	Joint Sub-Registrar-15, Shameerpet
14	Ranga Reddy (East)	Uppal	Joint Sub-Registrar-16, Uppal
15	Ranga Reddy (East)	Vanasthalipuram	Joint Sub-Registrar-17, Vanasthalipuram

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

VINOD K. AGRAWAL

PRINCIPAL SECRETARY TO GOVERNMENT

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
WRIT PETITION Nos.4088 and 4229 of 2013

Date: 12.02.2013

WRIT PETITION No. 4088 of 2013

Between:

Parasa Nagamalleswara rao

.....Petitioner

And

The Sub- Registrar, Eluru,
East Godavari District and

Another.

.....Respondents

WRIT PETITION No. 4229 OF 2013

Between:

Rudraraju Gajapathi Kumar Raju

..... Petitioner

And

The Sub-Registrar, Chintalapudi,
West Godavari District and

Another.

..... Respondents

Counsel for the petitioners: Sri M.P.V.N.V.Sastry

Counsel for the respondents: AGP for Revenue

COMMON ORDER:

These Writ Petitions have been filed feeling aggrieved by the action of respondent No.1 in not receiving the sale deeds sought to be presented by the petitioners for registration on the ground that the lands in question are assigned lands.

Perusal of the record clinchingly establishes lands which were originally assigned were sold towards recovery of dues to Co-operative societies and sale certificates to that effect were issued.

A Division Bench of this Court in ***Sub-Registrar, Srikalahasti, Chittoor District Vs. K. Guravaiah*** held that once the assigned lands are sold in public auction for recovery of dues to Co-operative societies, such lands cease to be assigned lands within the meaning of Section 2(1) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, and that there can be no restriction on the subsequent sales of such lands.

For the above-mentioned - reasons, there is no justification for respondent No.1 in both these cases not to receive and register the documents sought to be presented by the petitioners.

Accordingly, respondent No.1 in both these cases is directed to receive the documents that may be presented by the petitioners and register the same subject to the latter complying with the provisions of the Registration Act, 1908 and the Indian Stamp Act, 1899.

It is unfortunate that the Registering Officers in the State have not been following the above noted binding precedent and forcing the parties to the sale deeds to approach this Court for securing orders in each individual case. This approach of the Registering Officers in the State is deplorable, to say the least.

When a ratio has been laid down by a Constitutional Court, the same binds everyone in the State and the executive is no exception to this. As the instances of refusal to receive the documents for registration of such assigned lands have been on the rise, it is not only expedient but also appropriate that a direction of general nature is issued to all the Registering Officers in the State not to refuse to receive and register the documents in respect of the assigned land which are sold in public auctions for recovery of Co-operative society's dues. If such refusal comes to the notice of this Court, the same will be treated as contempt of this Order irrespective of whether the Registering Officers are parties to these Writ Petitionas or not.

The Principal Secretary, Revenue (Stamps and Registration) Department, shall circulate a copy of this Order to all the Registering Officers in the State.

Subject to the above directions and observations, the Writ Petitions are allowed.

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
TUESDAY, THE NINETEENTH DAY OF MARCH,
TWO THOUSAND AND THIRTEEN
PRESENT
THE HON'BLE SRI JUSTICE N.V.RAMNA, THE ACTING CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR
WAMP:NO:859 of 2013
IN
WA NO:352 of 2013

Between:

1. The State of Andhra Pradesh, Rep. by its Principal Secretary.
Revenue (Registration & Stamps) Department, Secretariat, Hyderabad.
2. The Sub-Registrar, Registration & Stamps Department, Nallapadu, Guntur District.
3. The Tahasildar, Guntur Mandal, Guntur

..... Petitioners
(Petitioners in WA 352 of

2013

on the file of High Court)

AND

Raavi Satish, S/o. Sambasiva Rao, Aged about 37 years,
R/o. H.M.T.Hills, Opp: J.N.T.U., Hyderabad.

..... Respondent
(Respondent in-do-)

Counsel for the Petitioners : THE ADVOCATE GENERAL

Counsel for the Respondent : SRI P. ROY REDDY

Petition under Section 151 of C.P.C praying that in the circumstances stated in the affidavit filed in the W.P. the High Court may be pleased to suspend the order of order dated 31.12.2012 in W.P.No. 30526/2012, pending disposal of WA No. 352 of 2013 on the file of the High Court.

The Court, while directing issue of notice to the Respondents herein to show cause as to why this petition should not be complied with, made the following order. (The receipt of this order will be deemed to the receipt of notice in the case).

ORDER

Interim suspension as prayed for,

DESHMUKH

Sd/- PUSHPA
ASSISTANT REGISTRAR

**Office of Commissioner and Inspector General of
Registration and Stamps Department. A.P., Hyderabad.**

Memo.No.G4/5162/20103.

Dt:30.04.2013.

Sub: Revenue (Registration and Stamps) Department - C.C.No.369/2013 in W.P.No.1666/2013 filed by Shek Ahmedi Begum, West Godavari District - Disposed off - Directions of Hon'ble High Court - Certain in structions passed by C&I, G-Reg.

Ref: Representation from Government Memo No.10930/Regn.I/A1/2013-1 Dt. 23.03.2013 along with Orders dated 27.2.2013 of Hon'ble High Court of A.P.passed in C.C.No.369/2013 in W.P.No.1666/2013.

The Attention of all District Registrars and Deputy Inspector General in the state is invited to the Subject and reference cited. In a contempt case C.C.No. 369/2013 in W.P.No.1666/2013 filed by Shek Ahmedi Begum and others, the Hon'ble High Court of A.P observed that "Sub Registrar/Incharge Sub Registrar, Undi has not been receiving the sale deeds sought to be presented by the petitioners for registration, as they failed to produce pattadar pass books & title deeds along with the document. The action of Sub Registrar/ Incharge Sub Registrar is not correct. He shall receive the sale deeds and pass an order of rejection in the event of the petitioners failing to produce pattadar pass books and title deeds."

Hence, all the District Registrars in the state are requested to instruct all the Sub Registrars workking under their control that not to refuse to receive any document for want of any information/ documents. But they should receive the document, examine and then pass necessary orders in the matter as per rules.

//Note orders approved by C&I.G//

Sd/- Dr.Vijay Kumar

**Office of the Commissioner and Inspector General of
Registration and Stamps, A.P., Hyderabad**

Circular Memo.No.G1/576/2013

Date: 10.04.2013

Sub: Regn & Stamps Department - Committee constituted for a study on the reduction of pending documents by the Registering Officers - Report submitted - Certain instructions issued - Reg.

Ref: C&IG (R&S), A.P., Hyderabad progs.No.G1/576/2013-1 dated 10.01.2013

The attention of all the Registering Officers in the State is invited to the subject and reference cited. It is noticed that there are several thousands of documents which are kept pending by the Sub-Registrars throughout the State without valid reasons. For examining this issue a committee was constituted vide reference cited. The Committee submitted its report dated 31.01.2013. The report has been examined in detail.

As per Registration Act, 1908 and Indian stamp Act, 1899, the documents shall be kept pending for the following reasons:

1. Delay in presentation of documents after execution and for pending appearance of persons who executed the documents. (u/s 25 or 34)
2. Will Deed presented after death of the Testator by the person claiming as Executor or otehrwise.(u/s 40)
3. When immovable properties shown in the schedule are situated outside the jurisdiction of the office. U/s 28 or Section 30.
4. When facts and circumstances affecting the chargeability of instrument with duty are not fully and truly set forth therein U/s 27of I.S. Act.
5. If any document is presented without paying the required stamp duty and the party denies paying the proper stamp duty U/s 33 of I.S..Act.
6. For determination of the Market Values by the Collector under Section 47-A of Indian Stamp Act. Except for the above reasons the registering officers shall not keep any documents pending under either of the Acts. In addition to the above mentioned instances, the documents can be allowed to be kept pending in following circumstances:-
7. Pending for Scrutiny.
8. Pending for clarification like chargeability, adoption of Market Value and usage of Challan etc., sought from District Registrar concerned.

Accordingly, after examination of the total situation, and the report of the Committee the following guidelines are issued for clarity and speedy disposal of pending documents and in order to avoid inconvenience to the public in the matter.

The Registering Officer, if wanting to keep document pending shall issue and acknowledgement to the executant along with pending document numbers & the reasons for keeping it pending. The acknowledgement shall be given in following format:

ACKNOWLEDGMENT

Office of the Sub-Registrar,

Date: _____

To
Sri/Smt/M/s, _____

You are hereby informed that you have presented a Document which is kept pending with No. _____ in this Office. The Document is kept pending for the following reasons(s):-

You are requested to contact this Office on or after _____

Signature of the Sub Registrar

రసీదు

సబ్ - రిజిస్ట్రార్ కార్యాలయము

తేదీ:

వారికి,

శ్రీ/శ్రీమతి/మెస్సర్స్,

మీకు తెలియజేయడమేమనగా మీరు దాఖలు చేసిన దస్తావేజును ఈ క్రింది పేర్కొన్న కారణముల వల పెండింగ్ దస్తావేజు నెం. గా నమోదు చేయడమైనది.

కనుక మీరు తేదీ లోగా ఈ కార్యాలయంలో సంప్రదించగలరు.

సబ్ రిజిస్ట్రార్ సంతకం

9. The Registering Officers shall dispose off the document kept pending for scrutiny within 3 working days from the date of presentation.

10. The Registering Officers shall refer the document kept pending for clarification within 3 working days to the District Registrar in turn shall give clarification within 7 working days from the receipt of the document.

The Registering Officers shall submit application for obtaining delay condonation under section 25 and 34 of Registration Act within 3 working days after duly following the procedure prescribed, under acknowledgment and the District Registrar shall issue orders within 7 working days from the receipt of the report from Registering Officer.

1. The will enquiry shall be completed within 60 days from the date of presentation of the will by the person claiming as executor or otherwise.

2. The request for the Rule 3 statement shall be sent to the Sub-Registrar concerned by the very next day after presentation of the document and receiving officer shall send the information within 2 working days thereafter.

3. The Registering Officers shall impound the document and refer it to the District Registrar concerned within 3 working days and the District Registrar shall finalize action thereon within 7 working days thereafter.

4. In the case of documents where market value is not adopted the Registering Officer shall refer the documents kept pending under section 47-A of Indian Stamp Act within 7 working days to the collector under section 47-A of Indian Stamp Act within 7 working days to the Collector under section 47-A of the Indian Stamp Act and the collector shall determine the market value within 45 days from the receipt of the reference.

5. Where the property alienated is situated in agency tracts under APLT Regulation Act 1959 and 1970, the document is to be kept pending for furnishing "Form K" to the District Collector within 3 days for issue of "form L" by the Collector/ (Agent to the Government) concerned.

Hence, all the Registering Officers are hereby directed not to keep the documents pending for registration unnecessarily and for frivolous reasons and to follow these instructions scrupulously. They are further directed to enter the reasons for keeping the document pending and further steps of action taken thereafter in minute book inevitably.

If any deviation is noticed in the matter, it will be viewed seriously.

Sd/- Dr. Vijay Kumar
Commissioner and Inspector General of
Registration & Stamps, A.P., Hyderabad.

**Office of the Inspector General of
Registration & Stamps, A.P. Hyd.**

Memo. No. G1/9158/91

Dt : 24-4-'91

Sub : Records - Thumb Impression Register - Production to the Police Officers in connection with investigation of cases - clarification - Issued.

Ref : Lr. No. G1/4059/89 dt. 26-3-91 from the District Registers, Khammam.

The attention of the District Registrar is invited to the reference cited. He is informed that the Thumb Impression Register cannot be handed over to the police and that the police officers may be permitted to peruse the register in the presence of the Sub Registrar, in the office itself.

It is also informed that, if the Thumb Impression Register is required to be produced before any court, it can be done so only on receipt of summons from the court.

(By Order)

Sd/- Ibrahim Ali
Asst. Inspector General of
Registration & Stamps

**HON'BLE SRI JUSTICE SANJAY KUMAR
WRIT PETITION No. 10975 of 2013 & batch**

(W.P.Nos. 11005, 11021, 11048, 11062, 11064, 11108 & 11120 of 2013)

COMMON ORDER:

The grievance of the petitioners in this batch of cases is with regard to the insistence by the registering authorities on production of No Objection Certificates (NOCs) from the Revenue Authorities as a condition precedent for receiving and registering the documents presented by them for registration in connection with immovable properties.

2. This Court has time and again held that there is no legal sanction for the action of the Registraton Authorities in insisting upon such certification from the Revenue Authorities in insisting upon such certification from the Revenue Authorities before enertaining documents for registration. Further, the Government of Andhra Pradesh issued Memo No. 49938/Regn.I/A1/2012 dated 06.12.2012 requesting the Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh, to instruct all the Registering Officers in the State not to ask for NOCs from the Revenue Authorities before registraton and not to act on any such NOCs.
3. In the tight of the above, it is not open to the Registering Authorities to continue to insist upon prior certification by the Revenue Authorities before receiving and registering documents pertaining to immovable properties.
4. The writ petitions are accordingly disposed of directing the Registering Authorites concerned to receive and process the documents presented byt he petitioners without insisting upon such NOCs and in the event the documents presented fulfil the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899, they shall register and release the documents in accordance with the due procedure. If, however, the Registering Authority concerned is of the opinion that the document 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. Pending W.P.M.Ps in this batch of cases shall stand closed in the light of this final order. No. costs.

Sd/- B.V.SATYANARAYANA
ASSISTANT REGISTRAR

GOVERNMENT OF ANDHRA PRADESH
REVENUE (REGN.I) DEPARTMENT

Memo No.25843/Regn.I/A1/2013-1

Dated 02.07.2013

Sub:- Revenue (Registration and Stamps) Dept- Registration of properties owned by Minors-Certain instructions-issued

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It has been brought to the notice of the Government that properties owned by minors are prohibited from transfer (except with previous permission of the court) under the Hindu Minority and Guardianship Act, 1956. As such, these properties are prohibited from registration under section 22-A (1) (a) of the Registration Act, 1908. It has been further brought to the notice of the Government that some of the Sub-Registrars are not aware of this provision and hence are registering documents pertaining to such properties. The Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh is requested to issue immediate instructions to all the registering officers not to register properties owned by minors without permission of the court though represented by legal or natural guardian. An extract of the Section of the Hindu Minority and Guardianship Act, 1956 is enclosed for ready reference.

VINOD K.AGRAWAL
PRINCIPAL SECRETARY TO GOVERNMENT

GOVERNMENT OF ANDHRA PRADESH
OFFICE OF CHIEF COMMISSIONER OF LAND ADMINISTRATION

CIRCULAR No. 2/162/1/2012, Dated : 02.7.2013

Sub: CMRO - Meeseva project - Meeting on Integration of Revenue and Registraton Records - certain instructions on Mutation module - Reg.
Ref: Meeting held on 13.06.2013, 18.6.2013 and 02.07.2013 in the chambers of CCLA on Integration of Revenue and Registration Records.

The attention of all the District Collectors in the state is invited to the subject and references cited. During the Meeting held on Integration of Revenue, Survey and Registration Records the following decisions have been taken on mutations through webland module.

At present, the farmer goes to the registration office with the ROR IB/ Title Deed & PPB held by him along with the document to be registered. The sub registrar after verifying the ROR/Title deed/ PPB and the prohibitory registrar maintained under section 22-A of the Act registers the document.

Now, the software has been developed to integrate the CARD & Webland software and the following instructions are issued for effective implementation of mutations through both the softwares.

At SRO Office:

- ◆ Applicant will approach the SRO office for registration with required documents such as Aadhaar card or other ID cards, PPB & Title Deed and ROR 1B. SRO's are given access to the webland software and SRO should verify seller particulars with Pattadar name in webland records.
- ◆ In case, if seller name matches with the Pattadar name in webland software, registration will be done at SRO's end and registration particulars will be automatically processed through CARD software to webland software. In case if seller name does not matches with Pattadar name SRO

should not register the document and should guide the seller to approach Meeseva centre to apply for mutation.

- ◆ Instructions in this regard may kindly be issued by Commissioner & IG Registration.

At Tahsildar Office:

- ◆ Tahsildar when login in webland software he will get the mutation transactions by two (02) sources i.e
 - a. Applications received for Mutations at Meeseva centers (VI A transactions).
 - b. Transactions processed through CARD software (VI B transaction).
- ◆ For VIA transactions Tahsildar will follow the existing procedure of mutation in webland software to issue notices and final proceedings.
- ◆ For VI B transactions Tahsildar will download the scanned registration documents, verify the particulars with webland details. Generates online acknowledgement in form VI C to send to the applicant. Prepares Form VIII notices for valid cases and publish the notices after enquiry as prescribed in the ROR act. Tahsildar issues the proceedings for mutation in webland software.
- ◆ The Master trainers who have undergone training at Hyderabad on Mutation module on 3rd July are in turn should provide training to all Tahsildars, SRO's and divisional Hand Holding persons of their district on 5th and 6th July'13 in two (02) batches. The integration of Revenue & REgistration Records process documents are enclosed here with in (Annexure -I) for ready reference.
- ◆ Mutations for all the Registration transactions occur on or after 8th July 2013 should be processed by the above process in all the SRO and Tahsildar Offices. Manual mutations should be stopped in Tahsildar offices.
- ◆ Project Director (CMRO) in consultation with NIC will develop an MIS programme to monitor the mutation process in the office of Tahsildar by RDO / Joint Collector /CCLa.

Sd/- **Sri.I.Y.R. Krishna Rao, I.A.S.,**
Chief Commissioner

**Office of the Commissioner and Inspector General of
Registration and Stamps, A.P., Hyderabad**

Circular Memo .No. Firms/8858/2012

Dated 13 .09.2013

Sub : Registration & Stamps Department- Lanching of Services of Firms & Societies through MEE-SEVA – with effect from 16.09.2013 in Zone V&VI (i.e in TELANGANA Districts)- orders issued - Regarding

Ref- Letter from Secretary Information Technology Electronics & communication Department Dated 12.09.2013.

Through the reference cited, it is to inform that the Societies/ Registration and Firms Registration services data have been provided at state data center (SDC) with all adequate processing and storage capacities.

In view of the above it is decided to stop the parallel services of societies and firms from the offices of District Registrars mentioned in the address entry after 13.09.2013.

All fresh Registration services of Societies and Firms will be rendered at MEE- SEVA Centersonly With Effect From 16.09.2013

Sd/- Dr. Vijay Kumar
Commissioner and Inspector General of
Registration and Stamps, A.P., Hyderabad.

**Office of Commissioner and Inspector General of
Registration and Stamps, A.P., Hyderabad.**

Memo.No.G4/7063/2013-1

Dt : 23-07-2013

Sub :Public Services - Registration and Stamps Department - Section 22A of Registration Act
- Furnishing / any modification or deletion of prohibited property list - Further Instructions issued - Reg.

Ref : C & I.G (R&S), AP, Hyderabad Cir.Memo.No. G1/19131/05 dt. 19-01-2013.

Attention of all Registering Officers in the state is invited to the subject and reference cited. Through the reference cited instructions were issued withdrawing the previously issued instructions with regard to NOC's and not to keep the documents pending for want of production of NOC from the authorities concerned and not to register the documents based on the NOC furnished by the such authorities directly as the instructions issued in the C&IG (R&S) Circular Memo No. G1/19131/2005 dt : 14-09-2007 are very clear that any deletions or modifications to the list supplies under section 22A by the authorities concerned should be communication through C&I.G (R&S), A.P., Hyderabad.

But, it has come to the notice of the undersigned that whenever a reference is being received either by the SR or DR from the authorities concerned under section 22-A, for deletion or modification of prohibitory property list they are referring the matter to C&IG(R&S) office unnecessarily.

Hence, all the Registering Officers and DR's are hereby instructed to ensure that whenever a reference is received under section 22A of Registration Act for any modifications or deletion of the properties from prohibited property list from the Revenue Authorities/Endowment Department/Wakf authorities etc, the same may be returned to the concerned authorities with a request to address the C&IG as per circular memo.no. G1/19131/2005 dt : 14-09-2007. Any deviations in this regard will be viewed seriously.

Sd/- Dr. Vijay Kumar
Commissioner and Inspector General of
Registration and Stamps, A.P., Hyderabad.

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)
WEDNESDAY, THE TENTH DAY OF JULY
TWO THOUSAND AND THIRTEEN
PRESENT
THE HON'BLE SRI JUSTICE SANJAY KUMAR
WRIT PETITION NO: 31609 OF 2012

Between:

M/s Bharadwaj Estates Pvt. Limited, rep. By its Managing Director K.V.M.R.Sarma, S/o Late Dr. K.V.S.P. Sarma, aged about 49 years, Occ : Business, R/o 507, Vijaya Towers, Shanthinagar, Hyderabad.

....PETITIONER

AND

1. The District Registrar, Ranga Reddy District. and otehrs

The Court made the following: ORDER

HON;BLE SRI JUSTICE SANJAY KUMAR
WRIT PETITION No. 31609 OF 2012

ORDER :

The petitioner company is aggrieved by the action of the Sub-Registrar, Shamshabad, in entertaining the cancellation deed presented by late Khaleel Ur Rahman, the father of respondents 3 to 6 herein, whereby the sale deed bearing document No. 1180 of 2001 dated 31.01.2001 executed by him earlier in favour of the petitioner company was cancelled. The cancellation deed was registered as document No. 99 of 2002 on 09.01.2002. Admittedly, this cancellation deed was executed unilaterally by late Khaleel Ur Rahman.

2. Notice before admission was ordered on 09.10.2012 and this Court directed the Sub Registrar, Shamshabad, not to undertake any transaction for registration with regard to the subject land pending further orders. Respondents 3 and 4 entered appearance through Sri Venkateswarlu Sanisetty, learned counsel. Respondents 5 and 6, despite service of notice, did not choose to come before this court.

3. The encumbrance certificate dated 21.06.2013 issued by the Sub-Registrar, Shamshabad, reflects two transactions. Firstly, the execution of the sale deed by late Khaleel Ur Rahman in favour of the petitioner company under document No. 1180 of 2001 dated 31.01.2001 and secondly, the cancellation of the said sale deed under document No. 99 of 2002 dated 09.01.2002. Perusal of the said document reflects that it was executed unilaterally.

4. Though, the Full Bench judgment of this Court relating to validity of such unilateral cancellation of sale deeds ws reversed by the Supreme Court much later and the Rule 26(i)(k) framed by the State of Andhra Pradesh under the Registration Act, 1908, in this regard, was also later in point of time, the fact remains that the rights created under a registered transaction between two parties cannot be cancelled unilaterally. The law as it presently stands enjoins upon the Registration Authorities a duty to ensure that both parties to the sale deed come together for cancellation thereof at a later date. By the same analogy, registration of the cancellation deed in the year 2002 by late Khaleel Ur Rahman falls foul of this legal requirement. The learned counsel appearing for respondents 3 and 4 fairly concedes that his clients have no interest in the property and that they were not even aware of the cancellation of the sale deed by their deceased father.

5. In that view of the matter, the registration of the cancellation deed bearing document No. 99 of 2002 is held to be illegal and the said document is accordingly cancelled. The sale deed bearing document No. 1180 of 2001 dated 31.01.2001 shall stand restored. There shall be a consequential direction to the Sub-registrar, Shamshabad to make necessary corrections in his records to this effect.

6. The writ petition is allowed to the extent indicated above. Pending WP MPs shall stand closed in the light of this final order. No. order as to costs.

SD/- P.S. KAMESWARA RAO
ASSISTANT REGISTRAR

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
WEDNESDAY, THE TWENTY EIGHTH DAY OF AUGUST

**TWO THOUSAND AND THIRTEEN
PRESENT
THE HON'BLE SRI JUSTICE N.V.RAMANA
AND
THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR
WRIT APPEAL NO. 1451 OF 2013**

Writ Appeal under clause 15 of the Letters Patent against the Order, dated : 01-07-2013 in WP. No. 17171 of 2013 on the file of the High Court.

Between :

1. The District Collector, Nalgonda.
and others

....APPELLANTS/RESPONDENTS

AND

K. Sreedhar Rao, Son of K. Gopal Rao, Aged about 57 years, Occ. Ex-serviceman, R/o. Vempahad Village, Nidmanoor Mandal, Nalgonda District.

...RESPONDENT

WAMP.NO. 2949 OF 2013

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to suspend the operation of the order dated. 01.07.2013 made in W.P.No.17171 of 2013, pending decision in the above Writ Appeal.

Counsel for the Appellant : GP FOR REVENUE

Counsel for Respondent : M/S INDUS LAW FIRM

The Court delivered the following: JUDGEMENT

**HON'BLE SRI JUSTICE N.V. RAMANA
AND
HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR
WRIT APPEAL NO. 1451 OF 2013**

JUDGMENT : (per the Hon'ble Sri Justice N.V. Ramana)

Questioning the order dated 01-07-2013 passed by a learned Single Judge of this Court in W.P.No. 17171 of 2013, the present writ appeal is filed.

The respondent-writ petitioner, who is an Ex-serviceman, was assigned the land to an extent of Ac.3-00 cents in Sy.No. 29/aa situated at Vempahad Village Polam, Nidmanoor Mandal, Nalgonda District, under Ex-servicemen quota in the year 1992. Under G.O.Ms.No. 1117, Revenue (Assignment-I) Department, dated 11-11-1993, the Government has permitted the ex-servicemen to sell the lands so assigned to them after 10 years of such assignment. While SQ, in the year 2012, when the writ petitioner intended to sell the assigned land, the registration authorities raised objection to receive the document or make registration in favour of third parties. Hence, he filed W.P.No. 17171 of 2013 before this Court wherein the learned Single Judge after hearing both sides and after considering the material on record, disposed of the writ petition directing the Sub-Registrar, Nidmanoor, Nalgonda District, to receive and process the document presented by the writ petitioner in respect of the subject land on the ground that the condition of non-alienability would not apply to the writ petitioner in view of lapse of 10 years after the assignment. The Sub-Registrar was also directed to complete the registration formalities in the event the document filed by the writ petitioner fulfills the requirements of the Registration Act, 1908, and the Indian Stamp Act, 1899. Aggrieved by the said order, the present appeal is filed by the respondents in the writ petition.

Heard.

Before the learned Single Judge as well as before this Court, the learned counsel for the appellants does not dispute the fact that the said land was assigned to the respondent-writ petitioner in the year 1992 under Ex-Servicemen quota. Therefore, in terms of G.O.Ms.No. 1117, dated 11-11-1993, the writ petitioner is entitled to sell the assigned land after the year 2002 since the condition of inalienability does not apply after ten years of assignment. Hence, we are of the considered view that the learned Single Judge has rightly disposed of the writ petition and we do not see any reason to interfere with the findings recorded in the impugned order.

Accordingly, the writ appeal is dismissed. No order as to costs.

Miscellaneous petitions filed in the writ petition, if any, shall stand closed.

Sd/- K. Gangadhar Rao
Assistant Registrar

**Office of the Commissioner and Inspector General of
Registration and Stamps, A.P., Hyderabad.**

Cir.Memo.No.G1/9916/2013

Dated : 03.08.2013

Sub : Registration and Stamps - Registration of properties owned by Minors certain instructions issued - Reg.

Ref: Govt.Memo.No. 25743/Regn.I/A1/2013-1 dated 02.07.2013

The attention of all the Registration Officers in the State is invited to the subject and reference cited. It is brought to the notice of the under signed by Government that the properties owned by minors are prohibited from transfer (except with previous permission of the Court) under section 8(2) of the Hindu Minority and Guardianship Act, 1956. The Section 8(2) of Hindu Minority and Guardianship Act, 1956 is as follows:

" The natural guardian shall not, without the previous permission of the Court,-

- (a). mortgage or charge, or transfer by sale, gift, exchange or otherwise any part of the immovable property of the minor or
- (b). lease any part of such property for a term exceeding five years or for a term extending more than one year beyond the date on which the minor will attain majority"

Hence, they are directed not to register the documents containing properties owned by minors in respect of above mentioned transactions without permission of the Competent Court though represented by legal or natural guardian.

Sd/- Dr. Vijay Kumar
Comissioner and Inspector General of
Registration and Stamps, A.P., Hyderabad.

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

LANDS- Government land assigned to Ex-serviceman and Freedom Fighters for agriculture purpose - Issue of 'NOC' to sell away the land assigned under the said category - certain instructions- Issued.

G.O.Ms.No. 307

Revenue (Assignments.I) Departments

Dated 06.06.2013

Read the following:-

- Read: 1) G.O.Ms.No.743, Revenue (B) Department, dated 30.04.1963.
2) G.O.Ms.No.1117 Revenue (Assn.I) Department. dated 11.11.1993.
3) G.O.Ms.No. 1045, Revenue (Assn.I) Department, dated 15.12.2004.
4) Government Memo. No. 21307/Assm.I(1)/2012-1, dated 09.05.2012
5) Government Memo.No. 21307/Assn.I(1)/2012-2, dated 09.05.2012.
6) Letter No.B1/770/2012, dated 18.07.2012 received from the Special Chief Secretary and Chief Commissioner of Land Administration, AP Hyderabad.
7) Letter No. B1/770/2012, dated 07.08.2012 received from the Special Chief Secretary and Chief Commissioner of Land Administration, AP Hyderabad.

ORDER: -

In the G.O. 1st read above, orders were issued to the effect that an Exserviceman is eligible for assignment of Act 2.50 wet or AC.5.00 of dry land, provided that the total extent of land already owned plus the land assigned to him, shall not exceed AC 2.50 wet or AC 5.00 dry land. The grant of lands under the said orders, shall however be subject to certain condition. One of these conditions is the "lands assigned shall not be sold or otherwise alienated for a period of ten years".

2. In the G.O. 2nd read above orders were issued directing that the Ex-serviceman are free to sell away their assigned lands after a period of ten years in partial modification of the orders issued in the 1st read above and all other conditions specified in the G.O.1st read above shall continue.

3. In the G.O. 3rd read above orders were also issued according permission to the effect that the freedom Fighters are free to sell away their assigned land after a period of ten years.

4. Whereas, in several cases it has been brought to the notice of the Government that "No Objection Certificate" (NOC) is being indiscriminately issued by the Tahsildars/Rao's and the District Administration for the lands assigned to the Ex-serviceman and political sufferers without observing the genuineness of the records and also issuing 'NOC' to the third parties who have purchased the land basing on the bogus records. Basing on such 'NOCs' it has become difficult to resume the land at a later date and the genuine allottees are also facing difficulties to sell away their assigned land as per the existing orders.

5. Taking into consideration of the above difficulty being involved in the issue under reference in the 4th read above, all the District Collectors have been requested not to issue "NOCs/ until the matter is examined fully and a decision is taken in the matter. The special Chief Secretary and Chief Commissioner of Land Administration has also been requested to review the 'NOCs' issued so far and send guidelines so as to issue necessary orders in the matter.

6. In this regard the Special Chief Secretary and Chief Commissioner of Land Administration has convened a meeting on 27.06.2012 with the officials of Registration and Stamps, Survey Settlements & Land Records. GHMC and with certain collectors on the issue. Government have also convened a meeting on 06.08.2012 to sort out various involved in issuing 'NOCs' to the lands assigned to ex-serviceman and Freedom Fighters with reference to the existing instructions with special Chief Secretary and Chief Commissioner of Land Administration, AP Hyderabad and other officials concerned.

7. In the references 6th and 7th read above, in terms of the minutes of the meeting held on the subject matter, the Special Chief Secretary and Chief Commissioner of Land Administration, has furnished draft guidelines to have a uniform procedure for issue of "NOCs' permitting sale of assigned lands allotted to Ex-serviceman and Freedom Fighters or their legal heirs.

8. Government after careful examination of the matter issues the following guidelines to follow uniform procedure for issue of "NOCs" permitting sale of assigned lands allotted to Ex-serviceman and Freedom Fighters or their legal heirs in continuation of the existing orders connected to the

subject.

- (i) The District Collector shall be the authority competent to issue 'NOC's and any authority below him;
 - (ii) The District Collector shall get enquiry report from the departmental officials about the genuineness of the assignees, the status of the land on ground;
 - (iii) The District Collector is competent to issue 'NOC's for the lands where market value is less than Rs.50.00 lakhs. The Market value shall be fixed based by the Tahsildar/RDO/ Joint Collector concerned. The Market Value thus fixed shall not be less than the Basic Value of the registration Department;
 - (iv) In cases, where the Market Value of the land exceeds Rs.50.00 lakhs, the District Collectors shall send proposal to the Chief Commissioner of Land Administration. The Chief Commissioner of Land Administration will scrutinize the same and issue permission to the District Collector for grant of 'NOCs' for the lands, where the Market Value is less than Rs. 2.00 crore;
 - (v) The Chief Commissioner of Land Administration will forward the proposal with his remarks to Government, wherever the Market Value of the land is more than Rs. 2.00 crore. The Government will take a decision on the desirability of issuing 'NOCs' and accordingly issue permission to the District Collector for grant of 'NOCs'.
 - (vi) The District Collector shall verify the grounds put forth by the applicant and take a decision on the grant of 'NOCs', keeping in view the financial condition of the applicant and the genuineness of the grounds that have been cited by the applicant.
 - (vii) The District Collector shall assess whether any alternative means are available to meet the expenses of the applicant's emergency/ essentials;
 - (viii) 'NOCs' shall not be issue to the third party applicant's i.e. who had purchased the land from the original assignees or their legal heirs without obtaining 'NOCs' from the District Collector earlier;
 - (ix) Any deviation of these guidelines shall be referred to the Government for appropriate orders.
 - (x) The above guidelines shall be subjected to final outcome in W.A.No. 352 of 2013 against Order dated 31.12.2012 in W.P. No.30526 of 2012 and batch.
9. The Special Chief Secretary and CCLA/District Collectors shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHA PRADESH)

B.R.MEENA

PRINCIPAL SECRETARY TO GOVERNMENT

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.No.30526 of 2012 & batch

(W.P.Nos.24468, 33025, 33461, 34075, 34099, 34545, 34905, 34965, 35338, 35441, 35473, 35598, 35737, 35868, 35997, 36084, 36430, 36471, 36859, 37359, 37906, 28461, 34231, 35505, 38844, 30016, 32176, 33370, 33453, 33535, 33923, 34535, 34596, 34604, 34898, 34959, 35476, 35483, 36918, 36937, 37291, 38067, 39740, 37607, 33282, 33267, 33272, 33872, 34254, 34969, 34523, 35257, 35166, 27915, 32179, 32408, 33956, 34197, 34202, 34513, 34521, 34544, 34559, 34611, 34732, 34820, 34821, 34828, 34830, 35019, 35058, 35156, 35499, 36083, 31426, 32030, 32055, 34774, 35043, 35344, 35559, 35808, 38385, 32690, 33218, 33442, 35225, 34018, 34635, 34662, 35110, 35144, 35165, 35183, 35235, 38221 and 38231 of 2012)

Date : 31-12-2012

W.P.No.30526/2012

Between:

Raavi Satish .. Petitioner

And

The State of Andhra Pradesh,
Represented by its Principal Secretary,
Revenue (Registration & Stamps) Department,
Secretariat, Hyderabad and others .. Respondents

Counsel for petitioner : Sri P. Roy Reddy

Counsel for respondents : Assistant Government Pleader for Revenue

The Court made the following:

COMMON JUDGMENT:

Broadly, these cases arise on account of the action of the Registering Officers of the Registration and Stamps Department

in different parts of the State of Andhra Pradesh in not receiving and registering sale deeds or other documents

executed for transfer of immovable properties. The acts of refusal are based on different reasons. When some of these

cases came up before this Court on 14-11-2012, this Court has noticed alarming rise in the number of cases being filed

with the complaint of non-registration of the properties in recent times. This Court has also noticed that most of the

cases of refusal to register are due to reasons, which this Court has, on many earlier occasions, held as unsustainable

and falling outside the scope of the provisions of Section 22-A of the Registration Act, 1908 (for short "the Act"). That

even though the law is well settled on several aspects, the Registering authorities have been again and again raising

the same objections for registration of the properties which were earlier rejected by this Court. As the spate of the

litigation was continuing unabated, as evident from the fact that in the year 2012 itself, as many as 3360 Writ Petitions,

which constitute almost 10% of the total number of Writ Petitions filed in that year, this Court felt that it is high-time

that a quietus must be placed on this unnecessary and avoidable litigation.

A detailed interim order was made on 14-11-2012 wherein this Court has made a broad classification of the cases

based on the reasons for rejection to register the properties and directed the Principal Secretary (Revenue), to lay

down specific criteria to be followed by the Sub-Registrars in the State based on the decided case law.

A counter-affidavit was filed by the Principal Secretary, Revenue Department, on perusal of which this Court has expressed its dissatisfaction as he has sought to point out that he has no control over the Registration and Stamps Department, which is headed by a separate Principal Secretary and without whose involvement it is not possible to lay down guidelines. This Court has adjourned the cases with the direction to both the Principal Secretaries of Revenue and Revenue (Stamps & Registration) Departments to make a joint exercise for framing the guidelines. A further affidavit was filed by the Principal Secretary to the Government, Revenue Department, wherein he has inter alia requested for an adjournment by stating that as per the A.P. Government Rules and Secretariat Instructions, the issues pertaining to policy decisions which have administrative importance, have to be circulated to the Hon'ble Chief Minister. As this Court was convinced that in view of the settled legal position on various aspects it was quite unnecessary

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for the issues to undergo the above mentioned process suggested by the Principal Secretary, Revenue Department, and instead this Court itself can pronounce a Judgment in the light of the well settled legal position, the cases were heard at length. On the direction of this Court, the learned Government Pleader has categorized the cases on the basis of the nature of the reasons for refusal to register the properties and furnished the list to the Court. I have heard the learned counsel for the petitioners and the learned Government Pleader for Revenue. Before advertng to the different categories of cases, it is felt necessary to give a brief historical background leading to the present litigation.

Section 22-A of Act was incorporated by the Legislature of the State of Andhra Pradesh by Act 4 of 1999. The said

provision, as it stood then, read as under:

“22-A: Documents registration of which is opposed to public policy:-

(1) The State Government may, by notification in the Official Gazette, declare that, the registration of any document or

class of documents is opposed to public policy.”

(2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to

which a notification issued under sub-section (1) is applicable”.

The above reproduced provision was a reproduction of some of the State amendments to the Act and the same is

ipsissima verba of the Rajasthan State Amendment (Act 16 of 1976). A Division Bench of the Rajasthan High Court, in

Basant Nahata Vs. State of Rajasthan[1], has declared Section 22-A of the Act as unconstitutional and has accordingly

struck down the said provision. The Supreme Court has affirmed the said Judgment in State of Rajasthan Vs. Basant

Nahata[2]. The Supreme Court, in the said Judgment, has however observed that the Legislature of a State may lay

down as to which acts would be immoral being injurious to the society and that such a legislation being substantive in

nature must receive the legislative sanction specifically and cannot be made through a subordinate legislation or

executive instructions.

Challenge to Section 22-A of the Act, as inserted by the A.P. State Amendment, was made in this Court as

well.

Following the Judgment of the Supreme Court in State of Rajasthan (2-supra), this Court in its Judgment dated 7-12-

2005 in W.P.No.14099/2003 & batch, has struck down Section 22-A of the Act. Taking a cue from the observations of

the Supreme Court referred to above on the power of the Legislature to make legislation of substantive nature and to

overcome the Judgment of this Court which has struck down Section 22-A of the Act, the A.P. State Legislature has

passed Act 19 of 2007, which re-introduced Section 22-A of the Act, with a different phraseology. The said provision

reads as under:

“Prohibition of Registration of certain documents:

(1) The following classes of documents shall be prohibited from registration, namely:

(a) documents relating to transfer of immovable property, the alienation or transfer of which is prohibited under any

statute of the State or Central Government;

(b) documents relating to transfer of property by way of sale, agreement of sale, gift, exchange or lease in respect of

immovable property owned by the State or Central Government, executed by persons other than those statutorily

empowered to do so;

(c) documents relating to transfer of property by way of sale, agreement of sale, gift, exchange or lease exceeding

(ten) 10 years in respect of immovable property, owned by Religious and Charitable Endowments falling under the

purview of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 or by Wakfs

falling under the Wakfs Act, 1995 executed by persons other than those statutorily empowered to do so;

(d) agricultural or urban lands declared as surplus under the Andhra Pradesh Land Reforms (Ceiling on Agricultural

Holdings) Act, 1973 or the Urban Land (Ceiling and Regulation) Act, 1976;

(e) any documents or class of documents pertaining to the properties the State Government may by notification

prohibit the registration in which avowed or accrued interests of Central and State Governments, Local Bodies,

Educational, Cultural, Religious and Charitable Institutions, those attached by Civil, Criminal, Revenue Courts and

Direct and Indirect Tax Laws and others which are likely to adversely affect these interests.

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(2) For the purpose of clause (e) of sub-section (1), the State Government shall publish a notification after obtaining

reasons for and full description of properties furnished by the District Collectors concerned in the manner as may be

prescribed.

(3) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to

which a notification issued under clause (e) of sub-section (1).

(4) The State Government either suo motu or on an application by any person or for giving effect to the final orders of

the High Court of Andhra Pradesh or Supreme Court of India may proceed to denotify, either in full or in part, the

notification issued under sub-section (2).

This re-inserted Section 22-A of the Act has now become the breeding ground for litigation, for, the Revenue authorities

at the levels of Tahsildar or District Collector, have been preparing what are known as ‘lists of prohibited

properties for registration' and sending the same to the Sub-Registrars concerned, who are the Registering authorities, and the District Registrars. The Registering authorities have been strictly following these lists and refusing even to receive the documents, leave alone, registering them, if the transactions under the documents pertain to immovable properties included in the prohibitory lists. The Registering authorities have not been mindful whether any notification is published prohibiting registration as envisaged under Section 22-A(1)(e) of the Act and they have been giving undue weight to the opinion of the Revenue authorities on the aspect whether the property belongs to the Government, or Charitable or Hindu Religious Institutions and Endowments, or Wakfs or the Local Bodies. This unilateral assumption by the officials of the Registration & Stamps, and the Revenue Departments and refusal to receive and register the documents on that basis, is resulting in the aggrieved parties bee-lining this Court day in and day out. This Court has in many a case conclusively adjudicated the issues and the Judgments therein have attained finality. Notwithstanding the legal position settled by this Court on different aspects, the Registering officers have been ignoring these Judgments and driving the parties to approach this Court again and again.

One or the other of the following reasons for which the Registering authorities/Sub-Registrars, have been refusing to receive and register the documents:

- (a) that the Re-Settlement Register (RSR) contains dots against the column "owner/occupant of the land";
- (b) that the Registers maintained by the Revenue Department have described the lands as Assessed Waste Dry (AWD);
- (c) that the lands are assigned lands;
- (d) that the lands belong to the Hindu Religious or Charitable Endowments, Wakfs, Christian Missionaries and Local Bodies.

It is pertinent to notice the Judgment of this Court in T. Yedukondalu Vs. Principal Secretary to Government[3] wherein

a learned Judge of this Court has considered the re-enacted provisions of Section 22-A of the Act vis-à-vis the lands

which are claimed to belong to the Government. While repelling the argument advanced on behalf of the State

Government that in respect of the documents falling under clause (b) of Section 22-A(1) of the Act no notification is

required to be issued under sub-section (2) thereof, the learned Judge held as under:

"The argument of the learned Government Pleader is that there is no necessity to publish a notification in respect of

the subject land under Section 22-A(2) of the Registration Act, 1908 as Section 22-A(1)(b) would have application and

not Section 22-A(1)(e). However this contention, if accepted, would mean that all lands claimed to be Government

lands which are sold by any private party can be brought within the ambit of Section 22-(A)(b). Such a construction

would render superfluous Section 22-A(1)(e) to the extent it speaks of prohibition of registration of documents pertaining

to lands in which the State Government may have avowed or accrued interests.

That, obviously, could not have been the intention of the legislature. Further, clause (b) of Section 22-A(1), on a plain

reading, indicates that it relates to prohibition of registration of documents in the context of the executants thereof not being statutorily empowered to execute them. Thus, the said clause would not have application in a case where the Government claims a particular land to be its own on the basis of revenue records or otherwise. Had that been so, there would have been no necessity for clause (e) of Section 22-A(1) of the Act of 1908, which states that there shall be a prohibition of registration in respect of documents pertaining to properties in which the State Government has avowed or accrued interests, which would be adversely affected by such registration. Thus, where the State Government stakes a claim that a particular land belongs to it and seeks to put in place a prohibition with regard to registration of documents in respect thereof, the same would invariably fall within Section 22-A(1)(e) of the Act of 1908 alone and the

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Government must necessarily publish a notification under Section 22-A(2) of the Act giving full description of the property concerned. The sanctity of such a notification is spelt out by Section 22-A(3) of the Act of 1908 which places an embargo upon the Registering Officers from registering any document falling within the ambit of the notification. In the present case, there is no dispute that no such notification has been published under Section 22-A(2) of the Act of 1908 in respect of the subject land.”

In *Gaddam Lingaiah Vs. The District Collector, Kadapa*[4], this Court has distinguished the two categories of documents falling under clauses (b) and (e) of Section 22-A(1) of the Act, and held as under: “...A list sent by the Tahsildar or the District Collector to the registering authority showing the properties as belonging to the Government does not have the same efficacy or binding force as a notification issued under sub-section (2) of Section 22-A of the Act. Notwithstanding the inclusion of the properties in the list of the revenue officials, the registering authority shall apply its mind to the material that may be placed by the private party as well as the revenue officials and arrive at its own conclusion.”

This Court further held :

“Instances galore where the persons, who are recognized as rightful owners not only by being allowed to purchase under registered documents decades ago but also by using the pattadar passbooks, are being deprived of their right to transfer the properties by way of sale, mortgage etc. While the efforts of the official functionaries for protecting the Government properties always deserve to be appreciated, in the guise of such protection, they cannot be permitted to harass the innocent citizens by driving them to the courts again and again by styling the private lands as Government lands without any shred of evidence in support thereof...”

It was also further held :

“If respondent Nos.1 to 3 really felt that the property in question is the Government land, it defies any logic and reason as to why they have been keeping quiet without recovering the property from the petitioner. Far from doing so, the rights of the petitioner were well recognized by them by issuing pattadar passbooks as far back as the year 1994.

This Court is unable to comprehend as to by merely preventing registration, will the Government gain anything? Except curtailing the right of a private party to enjoy the property as he likes, it results in nothing. Only at the time of registration, the revenue authorities appear to be preventing registration without doing anything further to safeguard and protect the so called Government properties and to recover the possession thereof. This attitude of the revenue authorities being supported by the registering authorities is creating a situation where needless litigation is being promoted driving the citizens to resort to needless and frivolous litigation.

Time and again this Court has been holding that mere registration of the document will not create any title in the purchaser, unless such title is vested in the vendor himself.

While preventing registrations on frivolous objections, Government is only denying itself of the revenue without doing anything else. As observed above, there are no instances where the possession of the properties, which are found to be in the Government list, is sought to be recovered by the revenue authorities. Not only that the litigants are vexed with this sort of litigation, but this court feels that it is time that litigation of this nature is put an end to. Unless the Chief

Secretary of the State of Andhra Pradesh intervenes and finds a proper solution to this vexed problem, the litigation of this nature may continue unabated.”

Where a notification as envisaged under sub-section (2) of Section 22-A of the Act is issued, the Registering authority has no option except to refuse to register the document in view of the prohibition contained in sub-section (3) thereof.

However, in the absence of a notification, even if any communication is sent by the Revenue authorities claiming the land as belonging to the Government, such a communication does not bind the Registering authority. The Registering authority can, at best, consider whether any material in support of the claim of the Revenue Department is available

and take appropriate decision under Section 71 of the Act after considering the material that may be submitted by the

party presenting the document to substantiate his plea that the land is a private land. In the absence of a notification,

the Registering officer cannot refuse to receive the document by elevating the status of the ‘prohibitory lists’ sent by the

Revenue Department to that of statutory notifications issued under sub-section (2) of Section 22-A of the Act. With this legal position in view, let me now consider each of the categories of cases.

Cases relating to RSR dots: The following Writ Petitions pertain to this category where the Sub-Registrars concerned

have either refused to receive the documents or register the same after receiving such documents only on the ground

that the relevant column of the RSR relating to ownership, contains dots:

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W.P.Nos.24468, 33025, 33461, 34075, 34099, 34545, 34905, 34965, 35338, 35441, 35473, 35598, 35737, 35868,

35997, 36084, 36430, 36471, 36859, 37359, 37906, 28461, 34231, 35505 and 38844 of 2012.

Judicial precedents are not wanting on the aspect whether the RSR containing dots in the ownership column, constitutes

conclusive proof of title. In P. Suresh Vs. A.P. State, represented by its District Collector, Kadapa and

others[5], this

Court considered the issue as to whether the refusal of registration only on the basis of the entry in the RSR to the effect that the land belongs to the Government, is sustainable? This Court has answered the said question in the negative by observing that the land cannot be treated as belonging to the Government on the basis of an entry made in the RSR in the year 1909 without taking into consideration various subsequent registered sale transactions in respect of the said land.

In Shaik Ali Vs. District Collector, Chittoor[6], I had an occasion to deal with this aspect. Referring to earlier case law,

I have held, at para-5, as under:

“This court in P. Suresh and A.P. State and others (2009(3) ALT 419=2009(3) ALD 802, K.M. Kamulla Basha Vs.

District Collector, Chittoor (W.P.No.27249 and 28393 of 2007, dt. 16-2-2009, Meda Subbarayudu Vs. Sub-Registrar,

Rayachoty (W.P.No.11675/2008, dt. 30-7-2008) and S. Zakhir Vs. District Collector, Anantapur (W.P.No.19419/2008,

dt. 16-2-2009) held that mere entries in R.S.R. do not constitute conclusive proof of title. In a recent Judgment in Shaik

Dudekula Pyari Jan @ Lal Bi and others Vs. The Revenue Divisional Officer, Madanapalli (W.P.No.6016 of 2010, dt. 2-

7-2010), this Court reiterated this position following the above mentioned Judgments of this Court.”

On the strength of the above quoted reasoning, this Court held that mere entries in the RSR or A-Register will not offer

conclusive proof of ownership of the land and the action of the Sub-Registrar in refusing to receive and register the

document was declared as illegal. I have also considered this issue in another Judgment in Madiga Papanna Vs. State

of A.P., represented by its Principal Secretary, Revenue Department and others[7], wherein at paras 5, 6 and 7, it was

held as under:

“On many occasions, this Court had considered the effect of entry in the R.S.R. In a recent Judgment, which was

rendered on the basis of the previous Judgments, in W.P.No.6016/2010, dated 2-7-2010, this Court has held as under:

“In the present case, except for stating that entries in the Village Account R.S.R. of Doddipalli Village indicate the

lands in Survey No.1969/2, 1972, 1969/1B and 1971 as Government lands, there is no other basis for the revenue

authorities to stake a claim over the lands. To the contrary, the evidence on record, being registered transactions

dating back to 1942, 1938, 1959 and 1972, as the case may be, clearly negates the unilateral claim of the revenue

authorities that this land is Government land. It is of course for the Government to assert and prove its title if it chooses

to do so, in a properly constituted proceeding before the appropriate forum in accordance with law. Without doing so,

it is not open to the revenue authorities or the registration authorities to deny persons claiming rights over such land on

the basis of mere revenue entries. The action of the Respondents in treating the subject land as Government land and

the action of the registration authorities in refusing to receive and register documents in respect of this land is therefore

unsustainable in law.”

The learned Assistant Government Pleader for Revenue submitted that since there is a dispute regarding

title, the

Petitioner will have to get his title declared by approaching the competent civil court.

I am afraid, I cannot accept this contention. In view of the settled legal position that mere entry in R.S.R. will not

constitute proof of title and in the absence of any other revenue record showing the land as Government land, it cannot

be said that there is a dispute regarding title. At any rate, mere registration of a conveyance deed does not create title

in the transferee. If the Government feels that the property belongs to it, it can always avail appropriate remedy to

assert its title and claim the property. Mere registration of the sale deed would not come in the way of the Government

in asserting its right and availing appropriate remedy.” (Emphasis added)

Despite pronouncement of the legal position in unequivocal terms as noted above, regrettably, the Sub-Registrars

concerned have been refusing to receive and register the documents based on the RSR entries. Even though the

directions given in each of these cases were with reference to the parties who approached the Court, still the Judgments

operate as precedents and consequently they bind the State and all its functionaries. There cannot be any excuse

whatsoever for the Sub-Registrars who are not parties to the cases already decided, to ignore the law laid down by this

Court and repeat the same illegality as committed by the other Registering officers whose actions in refusing to

register the documents on the said ground were declared as illegal by this Court. As the refusal of registration by the

concerned Sub-Registrars in these Writ Petitions is based only on the RSR entries, their action is in the teeth of the

Judgments of this Court referred to above. Accordingly, the action of the Sub-Registrars concerned in refusing to

receive and register the documents in these Writ Petitions is declared as illegal.

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Cases relating to Assessed Waste Dry (AWD) lands: The following Writ Petitions fall under this category:

W.P.Nos.30016, 32176, 33370, 33453, 33535, 33923, 34535, 34596, 34604, 34898, 34959, 35476, 35483, 36918,

36937, 37291, 38067, 39740, 37607, 33282, 33267, 33272, 33872, 34254, 34969, 34523, 35257 and 35166 of 2012

This category of cases also falls in the previous category, the only difference being, instead of showing dots, the

relevant RSR entries in the respective cases, classified the lands as “AWD”. In each of these cases, the petitioners

claim that the lands are private lands and in support of their plea, they have filed documents such as Adangals/

Pahanies/Pattadar Passbooks. In Gaddam Lingaiah (4-supra), this Court observed as under:

“As noted above, it is the specific case of the petitioner that the revenue record clearly shows that the land is a private

land. In support of his plea that it was a private land, the petitioner filed a copy of the Register of Holding, a perusal of

which would show that the name of Guduru Rachaiah is shown as the owner of the property admeasuring Ac.4.84

cents in Sy.No.147/2. This extract shows that the same has been issued by the Office of the Sub-Registrar. The

petitioner has also filed a copy of the pattadar passbook issued by the Mandal Revenue Officer as far back as

30.06.1994. It is not disputed that the petitioner has purchased the property under a registered sale deed on

12.04.1972.

In the face of this overwhelming documentary evidence to show that the petitioner is the owner of the property, the only ground on which respondent No.5 declined to register the sale deed and respondent No.4 confirmed the refusal order of respondent No.5 is that in the list furnished by the then Tahsildar in the year 2007, the property was shown as AW belonging to the Government. Respondent Nos.4 and 5, being the independent functionaries exercising powers and discharging duties under the provisions of the Registration Act, 1908 (for short 'the Act'), are bound to act independently by exercising their mind without being blindly guided by the instructions of the Tahsildar or the other revenue officials of the District. The mere fact that in the opinion of the Tahsildar, the property is the Assessed Waste belonging to the Government and he has accordingly included the property in his list sent to the registering authority would not make the land truly belonging to the Government. A list sent by the Tahsildar or the District Collector to the registering authority showing the properties as belonging to the Government does not have the same efficacy or binding force as a notification issued under sub-section (2) of Section 22-A of the Act. Notwithstanding the inclusion of the properties in the list of the revenue officials, the registering authority shall apply its mind to the material that may be placed by the private party as well as the revenue officials and arrive at its own conclusion. A question often troubles this Court, namely, that if the lands which are proposed to be transferred belong to Government, why then no steps are being taken by the executive apparatus to recover possession of such lands by following due process of law? In none of the cases before this Court, is any plea raised by the respondents that any effort is made to recover possession, or that at least, there are proposals to recover possession of the lands in question. As held by this Court time and again, mere registration of a property will not create title in the vendee which otherwise does not exist in its vendor and that by merely preventing registration, neither the Revenue nor the Registering authorities would be doing any favour to the Government towards protecting the public properties. If these lands really belong to the Government, no explanation is forthcoming from the respondents as to why they have allowed several registrations to take place in respect thereof. In my opinion, the Registering authorities have no power to refuse registration of the lands only on the basis of the entries in the RSRs or similar revenue record showing the same as "AWD" unless notifications are published in respect of these lands under Section 22-A(3) of the Act.

Assigned lands:

(a) Cases relating to the lands assigned to the landless poor persons: W.P.Nos.30526, 27915, 32179, 32408, 33956, 34197, 34202, 34513, 34521, 34544, 34559, 34611, 34732, 34820, 34821, 34828, 34830, 35019, 35058, 35156, 35499, 36083, 31426, 32030, 32055, 34774, 35043, 35344, 35559, 35808, 38385 and 32690 of 2012 fall in this category.

It is conceded by the learned Government Pleader for Revenue that in all these cases which pertain to lands situated

in the non-Telangana Area, assignments were made either prior to the issuance of G.O.Ms.No.1142, dated 18-6-1954, or no evidence exists as to the actual dates of assignment. It is not in dispute that in respect of the lands situated in the Andhra Area (non-Telangana Area), a condition prohibiting transfer of lands was incorporated for the first time under G.O.Ms.No.1142, dated 18-6-1954. In respect of the lands situated in the Telangana Area, such a condition was first incorporated under G.O.Ms.No.1406, dated 25-7-1958. Dealing with the lands situated in the Telangana Area, a Division Bench of this Court in Letter sent from Plot No.338, Parvanth Nagar, Borabanda, Hyderabad and others Vs. Collector & District Magistrate, Ranga Reddy District, Hyderabad and others[8], on an exhaustive consideration of the legal position held that unless the patta granted to the assignee contained a condition against non-alienation, the land covered by such patta does not fall within the definition of "assigned land" under Section 2(1) of the A.P. Assigned

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Lands (Prohibition of Transfers) Act, 1977 (Act 9 of 1977). The Division Bench has also taken note of the fact that the assignments are of two types, namely, assignment on payment of market value, and assignment to landless poor persons, and that only in the latter category of cases that the bar imposed on alienation under the provisions of Act 9 of 1977 would apply.

In Akkem Anjaiah Vs. Deputy Collector and Tahsildar, Saroornagar Mandal, Ranga Reddy District[9], I had an occasion to consider a similar issue as was dealt by the Division Bench in Letter sent from Plot No.338 (8-supra). In the said case, this Court held that as the assignment patta was granted prior to the issuance of G.O.Ms.No.1406, dated 25-7-1958, the initial burden lies on the Revenue officials to show that the patta contained a condition against alienation of the land and that unless the Revenue officials are first satisfied that the land is an "assigned land" within the meaning of subsection (1) of Section 2 of the Act 9 of 1977, no proceedings for cancellation of the assignment for alienation of the assigned land can be initiated.

In P.V. Rajendra Kumar Vs. Government of Andhra Pradesh[10], I have held, at para-4, as under: ".....The term 'assigned land' is defined by Section 2(1) of the Act to the effect that the lands assigned by the Government to the landless poor persons under the rules for the time being in force subject to the condition of non-alienation and includes lands allotted or transferred to landless poor persons under the relevant law for the time being in force relating to land ceilings. In order to attract the bar of registration, the land must be an assigned land within the above mentioned definition. Unless the patta under which the assignment is made contains a condition of non-alienability, such land cannot be treated as assigned land within the provisions of the Act....."

In several Judgments, various learned Judges of this Court have taken similar views (See: K.M. Kamallula Basha and others Vs. District Collector, Chittoor District, Chittoor and others[11], The A.P. State Electricity Board Employees Union, Madanapalli Division, Madanapalli Vs. The Joint Collector, Chittoor[12] and D. Parthasaradhi Sarma Vs. Government

of A.P., Revenue (Assn.II) Department[13]). The above noted Judgements are only illustrative of a slew of Judgments in which the above mentioned consistent view is taken by this Court. Most unfortunately, the precedential value of these Judgments is persistently being ignored by the Revenue officials as well as the Registering authorities. While on one hand the Revenue authorities, such as, Tahsildars, Revenue Divisional Officers, and in some cases even District Collectors, have been sending the lists styling them as “prohibitory lists” by including the lands which are not notified under Section 22-A(2) of the Act without verifying whether the assignment was made prior to issuance of G.O.Ms.No.1142, dated 18-6-1954, or G.O.Ms.No.1406, dated 25-7-1958, or that the lands were assigned on payment of market value, or assigned to political sufferers or ex-servicemen or freedom fighters, in whose cases prohibition of alienation only for a limited period of ten years is imposed, on the other hand, the Registering authorities have been refusing to receive the documents unless the party who sought to present the document produces No Objection Certificate (NOC) from the Revenue authorities. This fundamentally flawed approach of both the Revenue and the Registering authorities, has become the root cause for sprouting up of the litigation, and I am afraid, unless the flood gates are closed, there is a danger of this litigation reaching morbid proportions.

(b) Assignments made to Ex-servicemen/Political sufferers: W.P.Nos.33218, 33442 and 35225 of 2012 fall under this category. The Government of Andhra Pradesh issued G.O.Ms.No.743, Revenue (B) Department, dated 30-4-1963 wherein it has provided for assignment of lands to an extent of Ac.2-50 wet or Ac.5-00 dry, to the Ex-servicemen. The said G.O. also contained a condition to the effect that the lands assigned shall not be sold or otherwise alienated for a period of ten years. When the Ex-servicemen assignees started applying for NOCs for alienation of the lands assigned to them after expiry of the stipulated period of ten years, the Commissioner, Land Revenue, addressed letter No.B1/3155/93, dated 18-9-1993, to the Government to clarify as to whether the former can sell the lands assigned to them after the expiry of ten years. Accordingly, the Government issued G.O.Ms.No.1117, Revenue (Assignment-I) Department, dated 11-11-1993, whereby while modifying G.O.Ms.No.743, dated 30-4-1963, it has clarified that the Ex-servicemen are free to sell away their assigned lands after a period of ten years. In *Ande Narasimha Rao Vs. State of Andhra Pradesh*[14], this Court has, in some detail, considered both these G.Os. and observed as under: “The petitioner is an ex-serviceman, who was granted a DKT patta in respect of the above mentioned land. On 25-1-1993, when the petitioner sought to sell the said land and presented sale deed for registration, respondent No.6 refused to receive the same on the ground that the same is covered by a DKT patta containing prohibition on transfer of the land. Feeling aggrieved by the said action, the petitioner filed the present Writ Petition. In support of his plea that he is entitled to transfer the land in question 10 years after the assignment was made, he has placed reliance on G.O.Ms.No.1117, dated 11-11-1993. A perusal of the said G.O. shows that the State Government has

earlier issued G.O.Ms.No.743, Revenue (B) Department, dated 30-4-1963, whereunder conditions were framed for

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assignment of the lands in favour of ex-servicemen. One such condition was to the effect that the lands assigned shall

not be sold or otherwise alienated for a period of 10 years. In order to clarify the said condition, the State Government

issued G.O.Ms.No.1117, dated 11-11-1993, whereunder G.O.Ms.No.743, dated 30-4-1963, was modified and a positive

condition was incorporated to the effect that the ex-servicemen are free to sell away their assigned lands after a period

of 10 years. In other words, the condition, which was in the form of prohibition against alienation for a limited period of

10 years was modified by incorporating a positive condition by permitting sale of lands of ex-servicemen on the expiry

of 10 years period after assignment. Thus, the purport of both the G.Os. is the same though the form in which the

condition was incorporated varied.

A perusal of the DKT patta granted to the petitioner shows that the land was assigned to him in his capacity as exserviceman.

However, unfortunately, the assignment patta has not incorporated the condition as envisaged by

G.O.Ms.No.743, dated 30-4-1963. Instead, condition No.1 therein has prohibited transfer of the property while permitting

enjoyment of the same by inheritance. Despite existence of the said condition, the petitioner is still entitled to the

benefit of G.O.Ms.No.1117, dated 11-11-1993, which was issued a few months after issuance of patta in favour of the

petitioner, as the said G.O. has, in categorical terms, permitted the ex-servicemen to sell away their assigned lands

after 10 years.”

It is not disputed that in W.P.No.35225/2012, an extent of Ac.4-72 cents in Sy.No.4-2 of Bukkarayasamudram village

and Mandal, Anantapur District, was assigned to one Koppalakonda Venkata Swamy, an Ex-serviceman. He has sold

away the land to Smt. M. Lakshamma w/o. Venkataramudu through registered document No.3008/1971.

The said M.

Lakshamma sold an extent of Ac.0-50 cents to one C. Govind Reddy under registered document No.6361/1992, Ac.1-

00 to G.M.H. Guptha through registered document No.4101/1991, Ac.0-40 cents to Viswa Bharathi Steels Pvt. Ltd., and

Ac.1-20 cents to the BSNL. When some of the purchasers sought to sell the properties, the Sub-Registrar, Anantapur

insisted on NOC from the Revenue authorities. Similar is the case in W.P.No.33442/2012 wherein an extent of Ac.2-00

in Sy.No.395/1 at Srikantapuram village Polam, Hindupur Mandal, Anantapur District, was assigned to one C.A.B.

Murthy, the husband of the petitioner, under patta No.DAR Dis.132/86(RR), dated 8-6-1978. When she intended to sell

the said land, the Sub-Registrar, Hindupur, is stated to have insisted on production of NOC from the Revenue authorities.

It is not in dispute that the lands were assigned more than 10 years back. In the light of the order in Ande Narasimha

Rao (14-supra) as reproduced above, there is no legal impediment for transfer of the lands involved in both these Writ

Petitions and the Registering officers have committed a serious illegality in refusing to receive and register the documents.

In W.P.No.33218/2012, an extent of Ac.10-00 in Sy.No.310/2 of Ananthapalli Revenue village and Mandal, West Godavari District, was assigned to one Vedantham Venkata Subrahmanyam @ Vedantha Kavi, under Political Sufferers' quota by the Tahsildar, Tadepallegudem, vide Roc.No.A2-20/LD/79, dated 13-2-1970 on collection of market value as fixed by the Government in 20 annual installments, without interest. After the demise of the assignee, his wife and two children sold the property to the petitioner under registered sale deed dated 4-12-2007. When the petitioner wanted to sell the property, the Sub-Registrar, Ananthapalli Mandal, West Godavari District, insisted on production of NOC. Clause (iv) of para (3) of Order-15 of the Board Standing Orders defined 'political sufferers' as persons who had gone to jail for a period of six months in connection with Indian Independence as a result of taking part in the following movements inaugurated by the Indian National Congress or under its sanction :

1. Non-Co-operative Movement, 1921.
2. Nagpur Flag Satyagraha.
3. Saimon Commission Boycot 1928-29.
4. Salt Satyagraha 1930.
5. Civil Disobedience Movement 1932.
6. Individual Disobedience Movement 1932.
7. Individual Disobedience Movement 1940-41.
8. Quit India Movement of 1942.
9. Hyderabad Congress Movement started for integration of Hyderabad State with the Union Government leading to police action of September 1948.

By G.O.Ms.No.1745, Revenue Department, dated 28-8-1959, the Government of Andhra Pradesh has deleted the following

conditions which were till then incorporated in the assignments granted to political sufferers:

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(a) that the lands assigned should not be alienated for a period of ten years;

(b) that cultivation should be by the assignee or members of his family or with hired labour under the supervision of

himself or members of his family but the lands cannot be leased out or sub-let;

(c) that where the land is resumed for purpose of project or any public purpose no compensation will be paid to the

assignee for any improvements made by him.

Paragraph-2 of the said G.O. specifically permitted the political sufferers to sell away the lands assigned to them

without imposing any conditions. Despite the said G.O. being in force, the Revenue officers concerned have been

granting assignments to political sufferers in the standard format which are generally applicable to the landless poor

persons without deleting the condition prescribing prohibition on transfer of lands. In the face of the policy decision of

the State Government contained in G.O.Ms.No.1745, dated 28-8-1959, such a condition is not enforceable. Accordingly,

I hold that the political sufferers are free to sell the lands assigned to them without any prohibition or inhibition. The

respondents in this Writ Petition were therefore wholly unjustified in objecting to the sale of the properties.

(c) Assignments made to Freedom fighters:

Even though the present batch of cases does not involve the cases of Freedom fighters, as several cases concerning

refusal to receive and register the documents pertaining to the assignments made to them are being filed before this

Court, it is felt appropriate to deal with this category of cases as well. Under G.O.Ms.No.1045, Revenue (Asn.I) Department, dated 15-12-2004, prohibition on alienation by the Freedom Fighters contained in G.O.Ms.No.185, Revenue (Asn.I) Department, dated 11-3-1997 and G.O.Ms.No.917, Revenue (Asn.I) Department, dated 31-10-1997, was lifted, and para-3(3) of the said G.Os. which contained prohibition was substituted with the following clause : "The Freedom Fighters are free to sell away their assigned land and house sites after a period of ten years". Therefore, as in the cases of ex-servicemen, the lands assigned under the Freedom Fighters quota could be sold after ten years of assignment.

(d) Assignments made on collection of market value:

In Letter sent from Plot No.338 (8-supra), the Division Bench held that one of the aspects to be kept in mind is the nature of the occupancy rights, namely, whether they were granted on collection of market value or free of market value. The Division Bench drew a distinction between the assignments made to the landless poor persons and the assignments made on payment of market value and held that only in the former category, the land falls within the definition of "assigned land" under Section 2(1) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977.

If the assignment was made on market value, there can be no justification to curtail the right of the assignee to transfer the property forever and that if the assignment contains a condition prohibiting transfer for a specified period, the assignee cannot be permitted to transfer the land in contravention of such condition. In such cases, documents shall be registered after the expiry of the period stipulated prohibiting the transfers.

Cases relating to NOCs: The following cases fall under this category:

W.P.Nos.34018, 34635, 34662, 35110, 35144, 35165, 35183, 35235, 38221 and 38231 of 2012.

The scheme underlying Section 22-A of the Act does not authorize the Registering officers to insist on NOCs from the Revenue Department. From the detailed discussion undertaken above, it is evident that unless a notification is published under sub-section (2) of Section 22-A of the Act, no fetters can be placed on the Registering authorities to register the documents unless the claim made by the Revenue authorities is supported by clear evidence to show that the properties sought to be registered belong to the Government and the documents fall within the category of clause (b) of Section 22-A(1) of the Act. Therefore, the concept of insistence on NOCs from the Revenue authorities is alien to the Act. As

the instances of insistence on NOCs by the Registering authorities were on the rise, this Court has taken exception to such insistence on the part of the Registering authorities. As a result of the same, the Principal Secretary to the Government, Revenue (Regn.I) Department, issued Memo No.49938/Regn/1/A1/2012-4, dated 6-12-2012, to the following effect:

"The attention of the Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh is invited to the references cited. He is requested to issue instructions to all the Registering Officers not to ask for NOCs from the Revenue Authorities before registration of prohibited properties and not to act on any such NOC. Any exclusion from the list furnished earlier should strictly be by way of a modification/exclusion list signed by

the

District Collector himself and sent to the Commissioner and Inspector General of Registration and Stamps as laid

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down in the reference No.G1/19131/2007, dated 14-9-2007 of Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh”.

When cases of similar nature have come up before this Court after 6-12-2012, the learned Government Pleader for

Revenue has assured this Court that with the issuance of the above mentioned Memo, the Sub-Registrars have no

longer been insisting on production of NOCs and that if and when the documents are presented, they will be received

without insisting on NOCs and dealt with under the provisions of Section 71 of the Act. On the basis of these assurances,

this Court has disposed of several Writ Petitions with the direction to the Registering authorities to receive the documents

without insisting on production of NOCs by the parties and process the same under Section 71 of the Act. It was further

directed that if the Registering authorities find no legal impediment for registering the properties, they shall do so,

subject to the parties presenting the documents complying with the provisions of the Registration Act, 1908 and the

Indian Stamp Act, 1899, and that conversely, if the Registering authorities find legally sustainable objections for

registering the documents, they shall pass appropriate orders under Section 71 of the Act and communicate the same

to the parties, who, if feel aggrieved by such orders, shall be free to file appeals under Section 72 of the Act.

For all the above mentioned reasons, all these Writ Petitions are allowed.

In order to see that the litigation of this nature is curbed once and for all, I feel it not only appropriate, but also imperative to issue the following directions, which shall be of general application throughout the State of Andhra

Pradesh and govern all transactions of registration, to take place in future:

(A) The Registering officers shall not insist on production of NOCs as a condition for receiving the documents for registration.

(B) The Registering officers shall not refuse to receive the documents for registration only on the ground that the

properties were included in the prohibitory lists sent by the Revenue authorities, for reasons such as that the ownership

column of the RSR contains dots, or that the lands are shown as AWD lands in the Revenue Records or that the lands

are assigned lands.

(C) In cases of entries in RSRs containing dots or describing the lands as AWD, unless a notification has been issued

under Section 22-A(2) of the Act, the Registering officers shall not refuse to receive and register the documents. The

registration of such documents, however, shall be without prejudice to the right of the Government and its functionaries

to initiate appropriate proceedings for recovery of possession of the properties covered by such documents, if in their

opinion they belong to the Government.

(D) In cases of assigned lands, if there is clear proof to the effect that such assignments were made prior to the

issuance of G.O.Ms.No.1142, dated 18-6-1954 in the Andhra Area and G.O.Ms.No.1406, dated 25-7-1958 in the

the

Telangana Area, the Registering officers shall receive and register the documents, notwithstanding the fact that the properties were included in the prohibitory lists sent by the Revenue authorities. In respect of the documents involving properties assigned subsequent to the issuance of the above mentioned G.Os., in view of the embargo contained in Section 5(2) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, the Registering officers shall make an endorsement while refusing to receive the document specifying the reason. If the parties feel aggrieved by such orders, they are entitled to avail appropriate remedy as available in law.

(E) Wherever there is no specific evidence that assignments of lands were made subsequent to the issuance of G.O.Ms.No.1142, dated 18-6-1954 in the Andhra Area and G.O.Ms.No.1406, dated 25-7-1958 in the Telangana Area, benefit of doubt should be extended in favour of the parties who intend to transfer the lands. In such cases, the Registering officers shall write to the Revenue authorities to produce proof of the fact that the assignments were made subsequent to 18-6-1954 or 25-7-1958, as the case may be, within a stipulated time. If within such time, the Revenue authority concerned fails to send such proof, the Registering officers shall register the documents.

(F) In cases of documents pertaining to assignments made to Ex-servicemen and Freedom fighters, the Registering officers must consider whether ten years period has expired from the date of assignment and shall register the documents if the said period has expired. In other cases, the Registering officers shall pass an order under Section 71 of the Act and communicate the same to the parties concerned.

(G) In cases pertaining to assignments made to Political Sufferers, the assignees or the persons claiming through them are entitled to transfer the lands by sale or otherwise without any restrictions and the Registering officers shall receive and register the documents whenever they are presented.

REGISTRATION & STAMPS TIMES 12 FEBRUARY - 2013

(H) Where assignments are made on payment of market value, the Registering officers shall not refuse to register unless the assignment deed stipulated any period during which the land shall not be sold and the stipulated time has not expired.

(I) In cases of alienation of properties which are claimed to belong to Religious and Charitable Endowments falling under the A.P. Hindu Religious Institutions and Endowments Act, 1987, or Wakfs falling under the Wakfs Act, 1995, unless relevant material is available before the Registering officers to show that they are owned by such Institutions, registration of the documents shall not be refused. Even if evidence is available to show that the properties sought to be alienated belong to the Institutions referred to above, the Registering officers shall receive the documents, pass orders assigning reasons for rejection and communicate the same to the parties concerned, who shall be free to assail such orders by availing the remedy of appeal under Section 72 of the Act.

(J) In cases where notifications are issued under sub-section (2) of Section 22-A(1) of the Act prohibiting registration of the documents pertaining to the properties falling under clause (e) of sub-section (1) of Section 22-A of the

Act, the Registering officers shall make an endorsement while refusing to receive the document specifying the reason for such refusal. Needless to observe that if the parties feel aggrieved by such rejection orders, they can avail appropriate remedies as available in law.

The above directions shall bind all the Revenue authorities and the Registering officers in the State of Andhra Pradesh, irrespective of whether they are parties to this batch of Writ Petitions or not. Violation of the above directions by the officers concerned will be viewed as contempt of Court. If such instances come to the notice of this Court, it may exercise the option of initiating contempt proceedings suo motu against such officers even though they are not parties to these cases.

The Principal Secretaries of the Departments of Revenue and Revenue (Registration & Stamps), Government of Andhra Pradesh, shall circulate this Judgment to the officers under their respective jurisdictions under separate circulars to be issued in this regard.

As a sequel to disposal of the Writ Petitions, all the pending miscellaneous applications filed for interim relief in these

Writ Petitions, are disposed of as infructuous.

Justice C.V. Nagarjuna Reddy

Date : 31-12-2012

L.R. copies

Note: Registry shall communicate this Judgment to:

(1) Principal Secretary to Government,
Revenue Department, Secretariat, Hyderabad.

(2) Principal Secretary to Government,
Revenue (Registration & Stamps) Department,
Secretariat, Hyderabad.

AM

Office of the Commissioner and Inspector General of Registration and Stamps, A.P., Hyderabad.

Memo No. G1/19131/2005 Dated : 19-01-2013

Sub : Public Services - Registration and Stamps - W.P.No.30526/2012 and bath field in the High Court of

Andhra Pradesh - Directions of the High Court - Not to insist for NOCs - Certain instructions issued -

Reg.

Ref : 1. G.O.Ms.No. 863 Revenue (Regn.I) Dept. dated 20.06.2007

2. C&I.G (R&S), A.P., Hyderabad Cir.Memo No. G1/19131/05 dt. 14.09.2007

3. C&I.G (R&S), A.P., Hyderabad Memo No. G1/38719/93 dt. 28.12.93 & 13.7.95.

4. C&I.G (R&S), A.P., Hyderabad Memo No. G1/15653/06 dt. 13.11.06

5. C&I.G (R&S), A.P., Hyderabad Memo No. G1/15653/06 dt. 13.03.07

6. C&I.G (R&S), A.P., Hyderabad Memo No. G1/15653/06 dt. 11.11.07

7. C&I.G (R&S), A.P., Hyderabad Memo No. G1/15653/06 dt. 5.5.09

8. C&I.G (R&S), A.P., Hyderabad Memo No. G1/15653/06 dt. 31.01.09

9. C&I.G (R&S), A.P., Hyderabad Memo No. G1/15653/06 dt. 23.6.09

10. C&I.G (R&S), A.P., Hyderabad Memo No. G1/15653/06 dt. 27.7.12

Attention of all the Registering Officers in the State is invited to the subject and references cited. The

Government have issued notification through G.O.Ms.No. 863 Revenue (Regn-I) Dept dated 20.06.2007 bringing

the A.P. Act, 19 of 2007 into force w.e.f. 20.06.2007. This amendment pertains to Sec 22-A of the Registration

Act, 1908, which prohibits certain classes of documents from Registration. In pursuance of Government

notification, guidelines were issued by this office through reference 2nd cited to effectively implement the provisions

of Sec 22-A of Registration Act, 1908.

Through reference 3rd to 10th cited, instructions were issued with regard to furnishing of NOCs obtained

from the authorities concerned for registration of documents containing the properties covered in the lists supplied

U/s 22-A of Registratin Act, 1908.

In view of the Sec 22-A of Registration Act in vogue, all the instructions issued through references 3rd to

10th cited have become infructuous. Therefore all the instructions issued vide references 3rd to 10th cited above

with regard to the matter of NOCs are rescinded herewith.

Hence, all the Registering Officers in the State are hereby instructed not to keep the documents pending

for want of production of NOC from the authorities concerned and not to register the documents based on the

NOC furnished by such authorities directly as the instructions issued vide reference 2nd cited are very clear that

any deletions or modifications to the lists supplied U/s 22-A of the said Act by the

authorities concerned should be
communicated through Commissioner & Inspector General of Registration and Stamps
A.P., Hyderabad. Any
deviations in this regard will be viewed seriously.

Sd/- Dr. Vijay Kumar

Commissioner and Inspector General of
Registration and Stamps, A.P., Hyderabad.

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Revenue (Registration and Stamps) Department – Amalgamation of office of the Registrar and office

of Sub Registrar in Hyderabad Registration District – Orders - Issued.

REVENUE (REGISTRATION-I) DEPARTMENT

G.O.Ms.No.74 Dated: 31.01.2013

Read the following:

From the Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh Lr.No.G1/

1145/2013, Dt.21.01.2013.

@ @ @

ORDER:

Hitherto the instructions the transactions of immovable property have to be registered only in the

Sub-Registrar office having the jurisdiction over the area in which the properties are located. The

Government decided to permit registration of transactions of immovable property without reference

to the Sub Registrar Office jurisdiction on a limited scale in selected Registration Districts so that a

person can go to any Sub-Registrar Office of his choice for registering his documents. It is proposed

to introduce the system in Hyderabad Registration District.

The following notification will be published in an extraordinary issue of the A.P. Gazette dated: 01-

02-2013.

NOTIFICATION

In exercise of the powers conferred by sub-section (2) of Section 7 of the Registration Act, 1908 (Act

16 of 1908) and in supercession of all other notifications issued in this behalf, the Government of

Andhra Pradesh hereby amalgamates with effect from 01-02-2013, the Sub-Registrar Offices

mentioned in Column (3) of the Schedule appended hereto with Registrar Office, Hyderabad and

they shall be named and styled as Office of the Joint Sub-Registrars., as mentioned in Column (4).

The Registrar Office and all the Joint Sub-Registrar Offices shall have the concurrent jurisdiction

over the entire Registration District of Hyderabad.

SCHEDULE

Sl. No.	Registration District	Registration Name of the office of the Joint Sub- Registrar
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1 2 3 4

- 1 Hyderabad Bowenpally Joint Sub- Registrar-**3 Bowenpally**
 - 2 Hyderabad Chikkadpally Joint Sub- Registrar-**4 Chikkadpally**
 - 3 Hyderabad Marredpally Joint Sub- Registrar-**5 Marredpally**
 - 4 Hyderabad Secunderabad Joint Sub- Registrar-**6 Secunderabad**
-

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

VINOD K. AGRAWAL

PRINCIPAL SECRETARY TO GOVERNMENT

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Revenue (Registration and Stamps) Department – Amalgamation of office of the Registrar and office of

Sub Registrar in Hyderabad Registration District (South) – Orders - Issued.

REVENUE (REGISTRATION-I) DEPARTMENT

G.O.Ms.No.75 Dated: 31.01.2013

Read the following:

From the Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh

Lr.No.G1/

1145/2013, Dt.21.01.2013.

@ @ @

ORDER:

Hither to the instructions, the transactions of immovable property have to be registered only in the Sub-

Registrar office having the jurisdiction over the area in which the properties are located. The Government

decided to permit registration of transactions of immovable property without reference to the Sub Registrar

Office jurisdiction on a limited scale in selected Registration Districts so that a person can go to any Sub-

Registrar Office of his choice for registering his documents. It is proposed to introduce the system in

Hyderabad Registration District (South).

The following notification will be published in an extraordinary issue of the A.P.

Gazette dated: 01-02-2013.

NOTIFICATION

In exercise of the powers conferred by sub-section (2) of Section 7 of the Registration Act, 1908 (Act 16

of 1908) and in supercession of all other notifications issued in this behalf, the Government of Andhra

Pradesh hereby amalgamates with effect from 01-02-2013, the Sub-Registrar Offices mentioned in Column

(3) of the Schedule appended hereto with Registrar Office, Hyderabad (South) and they shall be named

and styled as Office of the Joint Sub-Registrars., as mentioned in Column (4). The Registrar Office and

all the Joint Sub-Registrar Offices shall have the concurrent jurisdiction over the entire Registration District

of Hyderabad (South).

SCHEDULE

Sl. Registration Registration Name of the office of the Joint
No. District Sub- District sub-Registrar

1 2 3 4

1 Hyderabad (south) Azampura Joint Sub- Registrar-3 Azampura

2 Hyderabad (south) Charminar Joint Sub- Registrar-4 **Charminar**
3 Hyderabad (south) Dood Bowli Joint Sub- Registrar-5 **Dood Bowli**
4 Hyderabad (south) Golconda Joint Sub- Registrar-6 **Golconda**
5 Hyderabad (south) S.R.Nagar Joint Sub- Registrar-6 **S.R.Nagar**

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

VINOD K. AGRAWAL

PRINCIPAL SECRETARY TO GOVERNMENT