

Sub : P.S.- R&S Dept., - Market Value Scheme - Representation of Sri Julakanti Ranga Reddy, MLA., Miryalaguda and other MLAs- Regarding problems facing by farmers by the behavior of S.Rs based on internal circulars of Stamps and Registration Department- Instructions issued - Reg.

Ref:- 1) Representation of Hon'ble MLA Sri Julakanti Ranga Reddy, MLA, Miryalaguda - Hon'ble Chief Minister of Government of Andhra Pradesh dated. 26.02.2012 and the Hon'ble Minister for Registration and Stamps, Endt., No. 971 M (R&S) / 2012, dt. 01.03.2012.

2) Govt. Memo No. 12292/Regn.I/A2/2012, dt. 16.03.2012.

The attention of all the Sub-Registrars in the state is invited to the subject and reference cited. Vide reference 1st cited Hon'ble MLA Sri Julakanti Ranga Reddy has submitted the representation to the Hon'ble Chief Minister of Government of Andhra Pradesh and the Hon'ble Minister for Registration and Stamps stating that the farmers across the state who are having lands of small extents of 10 cents or less area are facing the problems from the Sub-Registrars based on the internal circulars of land department as the Registration Authorities are refusing to register the documents in respect of their lands of small extents i.e., 10 cents or less by collecting the state Duty on acre wise land demanding to pay the Stamp Duty on Square Yard basis considering the house site rate though the lands are being used for agricultural purpose only and requested to give certain orders to the concerned Registration Authorities to accept the documents submitted in respect of registration of such extents / bits consisting of 10 cents or less by levying the stamp duty on accept basis by considering as agricultural lands only.

The attention of all the Sub-Registrars is invited to the instruction used progs.No. MV1/34372/1992 dt. 27.11.1992 where in it was mentioned.....rate applies to the small bits sold in respect of Dry Lands of urban areas only.....Urban Agglomeration areas, Corporations, Municipalities Naior Grar..... Mandal Head Quarters the House site rate should be adopted all the.....surrounded by Agricultural Lands on three boundaries out on our.....instructions came into effect from 20.12.1992.

The above Instructions were again reiterated vide Circular Memo No. MV1/1926/2010, dt. 26. 03.2010.

It is once again instructed that all the Sub-Registrars have to follow the above circular instructions scrupulously and not to create unnecessary hardship to the registering public. The Sub-Registrar can visit the field and send

The District Registrars and Deputy Inspectors General (R&S) are instructed bring these instructions again to the notice of all the Sub- Registrars under the jurisdiction and obtain acknowledgments from them for record.

Sd/- Madhusudhan
Commissioner and Inspector General of
Registration and stamps, A.P. Hyderabad.

చిన్న కమతాలకు వ్యవసాయ భూమి విలువ వర్తింపచేయవచ్చును
**O/o the Commissioner & Inspector General of
Registration and Stamps, A.P., Hyderabad.**

Circular Memo.No.MV1/6664/2012 Date : 18.05.2012

- Sub : P.S. - R&S Dept, Market Value Scheme - Representation of Sri Julakanti Ranga Reddy, MLA, Miryalaguda and other MLAs - Regarding problems facing by farmers by the behaviour of S.Rs based on internal circulars of Stamps and Registration Department - Relteration of instructions issued - Reg.
- Ref : 1) Representation of Hon'ble MLA Sri Julakanti Ranga Reddy, MLA, Miryalaguda-Hon'ble Chief Minister of Government of Andhra Pradesh Endt.No.971 M(R&S)/2012; dt: 01.03.2012.
2) Govt. Memo No.12292/Regn.I/A2/2012-1, dt:16.03.2012.
3) T.O. Memo No. MV1/2760/1991, dt:16.02.1991.
4) T.O. Memo No. MV1/34372/1992, dt:27.11.1992.
5) T.O. Memo No. MV1/1926/2010, dt:26.03.2010.
6) T.O. Memo No. MV1/6664/2012, dt:20.03.2012.

In modification of the memo 6th cited the following instructions are issued.

The attention of all the Sub-Registrars In the state is invited to the subject and references cited. vide reference 1st cited Hon'ble MLA Sri Julakanti Ranga Reddy has submitted the representation to the Hon'ble Chief Minister of Government of Andhra Pradesh and to the Hon'ble Minister for Registration and Stamps stating that the farmers across the state who are having lands of small extents of 10 cents or less area are facing the problems from the Sub-Registrars based, on the internal circular of the department as the Registration Authorities are relusing to register the documents in respect of their lands of small extents i.e., 10 cents or less by collecting the Stamp Duty on acre wise and demanding to pay the stamp Duty on Square Yard basis by considering the house site rate though the lands are being used for agricultrural purpose only and requested to give certain orders to the concerned Registration Authoritles to accept the documents submitted in respect of registration of small extents / bits consisting of 10 cents or less by levying the Stamp Duty on acreage basis by considering as agricultural lands only.

It was already clarified vide reference 3rd cited that if small bits of Agricultural Lands admeasuring 10 cents or less (4 guntas or less) are sold for Agriculturaal purposes only Agricultural Market Value rate on acre basis should be applied for charging Stamp Duty etc., provided that the said bits are surrounded by Agricultural Lands on all four sides, However this does not apply to lands located in Town, City, Mandal Head Quarters, Major Towns or any growth areas in villages connected to any Town.

In-spire to the above instructions it is brought to the notice of the undersigned that some of the Registering officers are Inslsting minimum house site rates for small bits situated in the areas other than the areas mentioned in the above reference 4th cited.

So it is further, clarified that the above instructions should be followed in respect of the pure Agricultural Lands and if the Registering Officers entertain any doubt that the area falls in any growing (developing) areas the Registering Officer can visit the field and take a decision and send a report to the District Registrar. The District Registrar will best check some cases after registration.

In is once again instructed that all the Sub-Registrars have to follow the circular instructions referred to above scrupulously and not to create unnecessary hardship to the registering public.

The District Registrars and Deputy Inspector General (R&S) are instructed to bring these instructions again to the notice of all the Sub-Registrars under their jurisdiction and obtain acknowledgements from them for record.

Sd/- K. Madhusudana Rao
Commissioner and Inspector General of
Registration and Stamps, A.P., Hyderabad.

నివాస ప్రాంగణానికి వాణిజ్య సముదాయాల రేటు - హైకోర్టు తీర్పు
**O/o the Commissioner and Inspector General of
Registration and Stamps, A.P., Hyderabad**

Memo No. MV3/17334/2012

Dated: 29.10.2012

Sub: Regn., and Stamps Dept.,- W.P. No. 2113/12 of H.C. - Doct. No. P79/12 'of SRO, Charminar
- Commercial rate applied to residential property - Clarification sought - Instructions issued
- Reg.

Ref:- D.R., Hyd (S), Lr. No. 2024/G/2012, dt:29.08.2012.

The attention of the District Registrar, Hyderabad (5) is invited to the subject and reference cited. He is instructed to implement the Hon'ble High Court orders in this matter.

[Note orders approved by the C&IG (R&5)]

Sd/-K.JAYARAMI REDDY,.

For Commissioner & Inspector General of,
Registration and Stamps, AP Hyderabad.

**IN THE HIGH COURT OF JUDICATURE. ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWELVE
PRESENT
THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY
WRIT PETITION NO : 2113 OF 2012.**

Between:

1. E.Gandaiah, S/o E.Bhavani. R/o H.No.22-5-481/1, Panle shah, East Charmlnar, Hyderabad - 500 002. .
2. P.Gandamma, W/o p.pentaiah. R/o H.No.22-5-481/1. Panje shah, East Charmlnar, Hyderabad - 500 002.
3. P.Laxamma, W/o P.Ramulu, R/o H.No.22-5-481/1. Panje shah. East Charminar Hyderabad - 500 002.

PETITIONERS

AND

Government of Andhra Pradesh, rep.by Sub-Registrar, Registration And Stamp Department, having its office at Dar-us-shifa, Hyderabad-A.P.

RESPONDENT

Petition Under Article 226 of the Constitution of India praying that in the circumstances stated In the affidavit filed herein the High Court will be pleased to passan order, direction or a writ particularly in the nature of writ of Mandemus declaring that the Market Value Assistance Order passed by the Respondent vide SRO No.1608, Charminar, Hyderabad vide request No.76933 in respect of property

NC.22-5-481/1, admeasuring 110 Sq, yards sltuated at panje shah, East Charminar, Hyderabad- 500 002 by fixing market value of the said property at a sum of Rs. 57,10,000/(Rupees Fifty seven lakhs seventy thousand only), stamp duty at a sum of Rs. 2,88,500/- (Rupees Two Lakh eighty thousand five hundred only), registration fee at a sum of Rs.28.8501- (Rupees Twenty eight thousand eight hundred fifty only) and transfer duty as Rs.1,15 400/- (Rupees One Lakh fifteen thousand four hundred only) is highly *unjust*, illegal without any reasons and irrational and incontravention of the Law relating to registration and stamp duty of Andhra Pradesh and a result of discrimination and liable to be set aside as illegal, consequently, this Hon'ble Court may be pleased to directing the respondent to register the Sale Deed presented by petitioners for registration In respect of thier property bearing No. 22-5-481/1, admeasuring 110 Sq.yards situated at panje shah, East Charminar, Hyderabad, by calculating the market value of Petitioners house @ RS.280/- per Sq.feet.

Counsel for the Petitioner : Sri.Mohammad Adrian

Counsel for the Respondent : GP For Revenue

The Court made tho fonewing Order : -

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY
Writ petition No. 2113 of 2012

Order:

The petitioners are the owners of premises, bearing No.22-5-481/1, admeasuring 110 square yards Situated at Panje Shan, East Charmlnar, Hyderabad. They intended to sell the property, and accordngly, approached the Sub-Registrar, Dar-us-shue, the respondent herein, with a request to furnish the details of market value, the particulars of stamp duty and registration charges. The respondent issued the market value certificate, dated 21.01.2012, to the effect that the cost of the land is Rs: 55 lakhs and cost of the structure is Rs.2,70,000. The stamp duty payable for the transaction is mentioned as Rs.2,88,500-, registration charges as Rs.2,8,850/-. The petitioners contend that for the properties in their Immediate neighbourood, both on the right side; premises bearing No.22-5-481, the and on the left side; premises, bearing No.22-5-481, the market value is fixed at far less a rate In .tne certmcetes issued on the same day. They feel aggrieved by the action of the respondent.

At the stage of admisstion, learned Government Pleader was required to obtain instructions. The particulars of the market value register are produced. It Is stated that the premises of the petitiners were treated as commercial with effect from 2005/and accordingly, the market value was stipulated at Rs.50,000/- per square yard, Whereas for the properties in the immediate nelghbourhood, the market value is fixed at Rs.14,000/- per square yard, since they are residential.

Heard learned counsel for the petitioners and learned Government Pleader for Revenue

It is no doubt true that the respondent furnished the certificates on the basis of the market value register, prevailing as on today. However, a perusal of the same discloses that an arbitrary, unreasonable and illegal approach was adopted. The area is not so developed one. The petitioners own small premises admeasuring 110 square yards, Abutting their wall, on the right side of the premises, there Is a house with ground and first floors constructed over 40 square yards, and on the left side, there is the house, bearing No.22-5-481, in an extent of 100 square yards. While for the two properties referred to above, the market value is fixed as Rs. 14,000/-per square yard; for the premises of the petitioners, which is lying between, the market value is shown as Rs. 50,000/- per square yard, This only shoes a collous and arbitrary manner in which the market value was -fixed. As a matter fast, the concerned official, who is

responsible for this deserves to *be* proceeded against. The reason is that in the photograph that is enclosed by the petitioners, shows that out of the three premises, the one for which the market value is shown as Rs.14,000/- is more developed. It is just unimaginable as to how such variation can be there In respect of premises whith cliffereent sub-numbers. Further, no commercial activity is undertaken by the petitioner.

The writ petition is accordingly allowed. The respondent is directed to process the document that may be presented by the petitioners by the market value at Rs. 14,000 per square yard.

The miscellaneous petition filed In this. writ petition also stands disposed of

There shall be no order as to costs.

SD/- S.T.VENUGOPALACHARY
DEPUTY REGISTRAR