
(2010) 12 AP CK 0056
In the Andhra Pradesh High Court
Case No : Writ Petition No. 29049 of 2010

Shaik Ali and Others

APPELLANT

Vs

District Collector, Chittoor and Others

RESPONDENT

Date of Decision : 14-12-2010

Acts Referred:

Registration Act, 1908 — Section 22A

Citation : AIR 2011 AP 80 : (2011) 2 ALD 48 : (2011) 1 ALT 474

Hon'ble Judges : C.V. Nagarjuna Reddy, J

Bench : Single Bench

Advocate : T. Nagarjuna Reddy, for the Appellant; A.G.P. for Revenue, for the Respondent

Final Decision : Allowed

Judgement

C.V. Nagarjuna Reddy, J.—Despite granting of time, Respondents have neither filed counter affidavit nor reported instructions.

2. The Petitioners filed the present Writ Petition feeling aggrieved by the action of Respondent No. 4 in not receiving the documents sought to be presented by them for registration in respect of land admeasuring Ac.2-40 cents, comprised in Sy. No. 15/1 of Bodumalluvaripalle Revenue village, Piler Mandal, Chittoor District.

3. The Petitioners have traced their title to registered sale deed dated 11-2-1947 under which their grandfather Khasim Saheb purchased the property. It is the pleaded case of the Petitioners that the name of their grandfather was mutated in the revenue records, that after his death his son, Shaik Modin Saheb succeeded to the properties and pattadar passbooks were also issued in favour of the said Shaik Modin Saheb. The Petitioners are claiming through the said Modin Saheb as his lineal descendents. When the Petitioners have approached Respondent No. 4 for issuing a certificate of market value, he declined to issue the same stating that the land is classified as Assessed Waste DRY (D.K.T.) as

per M.R.O's. List. In support of the above pleas raised by the Petitioners, they have filed a photo copy of the registered sale deed dated 11-2-1947 standing in the name of the Petitioners' grandfather and copies of pattadar passbooks and title deeds issued in the name of the Petitioners' father Modin Saheb.

4. u/s 22-A of the Registration Act, 1908, the category of documents mentioned therein cannot be registered. The lands belonging to the Government falls in one of the categories mentioned in the said provision.

5. This Court in P. Suresh and Another Vs. A.P. State and Others, K.M. Kamulla Basha v. District Collector, Chittoor (2), W.P. No. 27249 and 28393 of 2007, dt. 16-2-2009, Meda Subbarayudu v. Sub-Registrar, Rayachoty (3) W.P. No. 11675/2008, dt. 30-7-2008 and S. Zakhir v. District Collector, Anantapur (4) W.P. No. 19419 of 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 Ors. v. The Revenue Divisional Officer, Madanapalli (5) W.P. No. 6016 of 2010, dt. 2-7-2010, this Court reiterated this position following the above mentioned Judgments of this Court.

6. From the facts noted above, while there is overwhelming evidence in respect of the Petitioners' plea that the lands are treated as private lands and registered transaction has taken place as far back as 1947 and revenue records such as pattadar passbooks and title deeds were issued in favour of the Petitioners' father, the stand of the Respondents treating the property as Government land, cannot prima facie be appreciated. As held by this Court as noted above, mere entries in R.S.R. or A-Register will not offer conclusive proof of ownership of the land. Therefore, I do not find any justification for Respondent No. 4 to refuse to receive the documents and register the same.

7. For the above mentioned reasons, the Writ Petition is allowed. Respondent No. 4 is directed to receive the documents that may be presented by the Petitioners and register the same. Respondent Nos. 1 to 3, are however, free to assert their title before competent court of law, if according to their case, the land in question belongs to the Government.