

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
TUESDAY, THE FOURTEENTH DAY OF JUNE,
TWO THOUSAND AND TWENTY TWO
:PRESENT:
THE HONOURABLE SRI JUSTICE D RAMESH
WRIT PETITION NO: 14871 OF 2022

**Between:**

1. Eppi Chinna Narasappa, S/o. Eppi Pedda Narasappa, Aged 38 years, Occ. Business, R/o.D.No.3-199, Kallumadi Village, Singanamala Mandal, Anantapur District.
2. Eppi Pedda Narasappa, S/o. Pedda Narasappa, Aged 43 years, Occ. Business, R/o.D.No.3-199, Kallumadi Village, Singanamala Mandal, Anantapur District.
3. Eppi Jammakka, W/o. Eppi Pedda Narasappa, Aged 39 years, Occ. Housewife, R/o.D.No.3-199, Kallumadi Village, Singanamala Mandal, Anantapur District.
4. Eppi Saraswathi, W/o. Eppi Chinna Narasappa, Aged 31 years, Occ. Housewife, R/o.D.No.3-199, Kallumadi Village, Singanamala Mandal, Anantapur District.
5. Eppi Eddula Narasappa, S/o. Eppi Narasappa, Aged 46 years, Occ. Business, R/o.D.No.3-199, Kallumadi Village, Singanamala Mandal, Anantapur District.

...Petitioners**AND**

1. The State of Andhra Pradesh, Rep. by its Principal Secretary - Revenue (Stamps and Registration) Department, Secretariat, Amaravathi, Guntur District.
2. The Joint Sub-Registrar, Singanamala Mandal, Ananthapur District.
3. The District Registrar, Stamps and Registration Department, Ananthapur, Ananthapur District, A.P.
4. The Director, Town and Country Planning, Mangalagiri, Guntur District.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the 2nd respondent in refusing to receive and register sale deeds presented by the petitioners pertaining to the plots purchased by the petitioners forming a part of a layout spread out in a total extent of Ac.20.45cents in Sy.Nos.129/A (an extent of Ac.0.93cents). Sy.No.129/C (an extent of Ac.1.00cents). Sy.No.129/B1 (an extent of Ac.1.00cents). Sy.No.117/1 (an extent of Ac.2.30cents). Sy.No.117/1A1 (an extent of Ac.1.00cents). Sy.No.128/1A6 (an extent of Ac.1.90cents). Sy.No.129/C (an extent of Ac.0.87cents). Sy.No.117/1A2 (an extent of Ac.2.00cents). Sy.No.117 (an extent of Ac.3.30cents). Sy.No.128/1A5 (an extent of Ac.1.00cents). Sy.No.128/3A (an extent of Ac.1.22cents). Sy.No.129/C (an extent of Ac.2.00cents). Sy.No.129/A (an extent of Ac.3.00cents). covered under the registered Doc.Nos.330/2022 (2489.1sq.yards), 329/2022 (1482.61sq.yards), 327/2022 (2082.07sq.yards), 328/2022 (1835.11sq.yards), 325/2022 (2255.69sq.yards), 326/2022 (1800sq.yards) and 192/2022 (1733.32sq.yards), dated 07.01.2022. Sy.No.144/2A (an extent of Ac.1.15cents). Sy.No.144/2C (an extent of Ac.1.00cents). covered under the Doc.No.183/2022 (925.16sq.yards), dated 30.12.2021 of Peravali Village, Singanamala Mandal, Ananthapur District on the ground that the Director of Town and Country Planning, Mangalagiri vide letter Lrc.Rc.No.19024/51/2021/A, dated 23.09.2021 has directed the 2nd respondent not to entertain any registration in respect of the said survey numbers as illegal, arbitrary, without jurisdiction and contrary to Sec.22A of the Registration Act, 1908.

IA NO: 1 OF 2022

Petition under Section 151 C.P.C is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to grant interim direction directing the 2nd respondent to receive and register sale deeds presented by the petitioners pertaining to the plots purchased by the petitioners forming a part of a layout spread out in a total extent of Ac.20.45cents in Sy.Nos.129/A (an

extent of Ac.0.93cents); Sy.No.129/C (an extent of Ac.1.00cents); Sy.No.129/B1 (an extent of Ac.1.00cents); Sy.No.117/1 (an extent of Ac.2.30cents); Sy.No.117/1A1 (an extent of Ac.1.00cents); Sy.No.128/1A6 (an extent of Ac.1.90cents); Sy.No.129/C (an extent of Ac.0.87cents); Sy.No.117/1A2 (an extent of Ac.2.00cents); Sy.No.117 (an extent of Ac.3.30cents); Sy.No.128/1A5 (an extent of Ac.1.00cents); Sy.No.128/3A (an extent of Ac.1.22cents); Sy.No.129/C (an extent of Ac.2.00cents); Sy.No.129/A (an extent of Ac.3.00cents); covered under the registered Doc.Nos.330/2022 (2489.1sq.yards), 329/2022 (1482.61sq.yards), 327/2022 (2082.07sq.yards), 328/2022 (1835.11sq.yards), 325/2022 (2255.69sq.yards), 326/2022 (1800sq.yards) and 192/2022 (1733.32sq.yards), dated 07.01.2022; Sy.No.144/2A (an extent of Ac.1.15cents); Sy.No.144/2C (an extent of Ac.1.00cents); covered under the Doc.No.183/2022 (925.16sq.yards), dated 30.12.2021 of Peravali Village, Singanamala Mandal, Ananthapur District and complete the process of registration of the said documents submitted by the petitioner, pending disposal of WP.No.14871 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri C.Raghu, Advocate for the Petitioners and GP for Stamps & Registration for the Respondent Nos.1 & 2 and GP for Municipal Administration & Urban Development for the Respondent No.4, the Court made the following.

ORDER:

"Heard the learned counsel for the petitioners and the learned Government Pleader.

The essential issue raised in the writ petition is about the competence of the Director of Town and Country Planning to issue a letter to the Registrar not to include certain lands pertaining to unapproved layouts under Section 22-A of the Registration Act and the action of the Sub-Registrar in refusing to register the land.

Learned counsel for the petitioner/s argues that there is a procedure stipulated under law for including land in the prohibitory list. According to him, the Director of Town and Country Planning does not have the power or the jurisdiction to issue the said letter.

In the opinion of this Court, the petitioners made out the Prima facie case as the action of the respondents is not traceable to any provision of law. The documents presented in respect of the plots purchased by the petitioner/s, covered under the Doc.Nos.330/2022, 329/2022, 327/2022, 328/2022, 325/2022, 326/2022 and 192/2022, dated 07.01.2022 and Doc.No.183/2022 dated 30.12.2021 of Peravali Village, Singanamala Mandal, Ananthapur District submitted by the petitioner/s are kept pending. Hence, there shall be an interim direction as prayed for.

The 4th respondent is directed to complete the registration in respect of the above said documents submitted by the petitioner/s, which are kept pending as an interim measure, if he otherwise comply with the Stamp Act and Registration Act. It is needless to say that this registration will be subject to final result of the writ petition. The petitioners are also not entitled by virtue of this order to claim any equities in future. The further alienations shall be with the permission of this Court only.

Post along with W.P.No.14392 of 2022."

//TRUE COPY//

**Sd/- T. MADHAVI
ASSISTANT REGISTRAR**

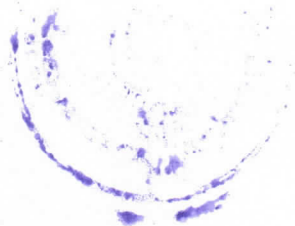

SECTION OFFICER

To,

1. The Principal Secretary - Revenue (Stamps and Registration) Department, Secretariat, Amaravathi, Guntur District.
2. The Joint Sub-Registrar, Singanamala Mandal, Ananthapur District.
3. The District Registrar, Stamps and Registration Department, Ananthapur, Ananthapur District, A.P.
4. The Director, Town and Country Planning, Mangalagiri, Guntur District.
(Addressee Nos. 1 to 4 by RPAD)
5. One CC to Sri. C.Raghu, Advocate [OPUC]
6. Two CCs to GP for Stamps & Registration, High Court of Andhra Pradesh. [OUT]
7. Two CCs to GP for Municipal Administration & Urban Development [OUT]
8. One spare copy

MM

HIGH COURT



DRJ

DATED:14/06/2022

ORDER

WP.No.14871 of 2022

INTERIM DIRECTION

