



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3233]

WEDNESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 39813/2022

Between:

1.ALURI RAMA KRISHNA RAO, S/O LAKSHMI NARAYANA, AGE.
66 YRS, RIO FLAT NO.202, VRR BLOCK, APACE
COMMUNITY, SRI RAMACHANDRA NAGAR, VIJAYAWADA,
KRISHNA DISTRICT

...PETITIONER

AND

- 1.THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY,
REVENUE, STAMPS AND REGISTRATION DEPARTMENT,
SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI,
GUNTUR DISTRICT.
- 2.THE COMMISSIONER AND INSPECTOR GENERAL
REGISTRATION AND STAMPS, VIJAYAWADA, ANDHRA
PRADESH.
- 3.THE DISTRICT REGISTRAR, REGISTRATION AND STAMPS
DEPARTMENT, ELURU.
- 4.THE JOINT SUBREGISTRAR, SUB- REGISTRAR OFFICE,
BHIMADOLU MANDAL, ELURU DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue order direction more particularly one

in the nature of writ of MANDAMUS declare the proceedings of the 4th respondent in Lr.No.C.No.143/2022 Dt.30.11.2022 as illegal arbitrary and contrary to the provisions of the Indian Stamp Act. 1899 and consequently direct the respondents to receive and register the document presented by the petitioner as per section 2 (15) of stamp Act read with Article 40 of schedule -1 A of Stamp Act small share alone has to be taken in to consideration for the purpose of determination of stamp duty payable on a document of partition presented for registration and pass

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 4th respondent to accept the document Dt.25.03.2021 presented by the petitioner for registration by considering the representation of the petitioner Dt. 05.11.2022. as per section 2 (15) of stamp Act read with Article 40 of schedule -1 A of Stamp Act pending disposal of the above writ petition and pass

Counsel for the Petitioner:

1. P R K AMERANDRA KUMAR

Counsel for the Respondent(S):

1. GP FOR REGISTRATION AND STAMPS (AP)

The Court made the following Order:

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for the respondents.

2. This writ petition was filed questioning the letter of the 4th respondent addressed to the petitioner dated 30.11.2022 requesting the petitioner to present the partition deed afresh along with a fresh special power of attorney if needed duly paying proper stamp duty, registration fee and user charges existing at the time of the presentation of the above said partition deed.

3. The learned counsel for the petitioner submits that under the above said partition deed dated 25.03.2021 as per the schedule of the said document, there are unequal shares partitioned amongst the parties to the said deed of partition by way of A-schedule, B-schedule and C-schedule with the value of the same as Rs.66,51,000/-, 2,31,59,000/- and Rs.4,00,000/- respectively in total Rs.3,02,10,000/-. The petitioner herein is the special power of attorney holder for the other two executants of the said partition deed dated 25.03.2021 by names Sri Aluri Venkata Ramana Rajesh and Aluri Poorna Priya as both of them are residing in abroad. Hence, the petitioner approached the 4th respondent on behalf of all the executants of the said partition deed dated 25.03.2021. The said special power of attorney was

adjudicated under Section 18 of the Indian Stamp Act by the 3rd respondent on 16.04.2021.

4. The 4th respondent in the impugned letter dated 30.11.2022 observed that the said partition deed was executed on 25.03.2021 and it was presented after more than eight months, hence, the partition document cannot be accepted to registration as per the provisions under Sections 23 & 25(1) of Registration Act, 1908. He further observed that the date of presentation is the criteria for levy of Stamp Duty, Transfer Duty, Registration Fee etc. and such duties have to be levied on the market value prevailing on the date of presentation of the document as per the letter of the 2nd respondent dated 25.04.2009.

5. Accordingly, under the said impugned letter of the 4th respondent dated 30.11.2022, the petitioner was asked to present the partition deed afresh along with fresh special power of attorney if needed by paying proper stamp duty duly, registration fee and user charges existing at the time of presentation of the above said partition deed.

6. The learned counsel for the petitioner further submits that the delay was occurred, as the subject extent of Ac.3.16 cents in R.S.No.24/2 of Gudigunta Village, Denduluru Mandal, Eluru District was included in the prohibited list and for deletion of the same upon approaching the authorities concerned, it took some time and as such, it could not be immediately presented soon after execution of the above

said partition deed. Without considering the said delay occurred on sufficient grounds, the 4th respondent issued the impugned letter dated 30.11.2022 denying the consideration of the presentation of the partition deed dated 25.03.2021 and the special power of attorney dated 25.03.2021.

7. On the other hand, the learned Assistant Government Pleader appearing for the respondents submits that the representation of the petitioner dated 05.11.2022 was considered and as there was delay which was not sufficiently explained, the above said impugned letter dated 30.11.2022 was issued by the 4th respondent. If the petitioner re-presents the above said partition deed dated 25.03.2021 duly by paying necessary stamp duty, registration fee and user charges, etc., the same would be considered by following the due procedure.

8. In view of the above said facts and circumstances and upon consideration of the rival submissions made, the petitioner is permitted to approach the 3rd respondent by way of representation enclosing all the necessary documents in support of his claim within a period of four (4) weeks from the date of receipt of this order. On receipt of the same, the 3rd respondent shall consider and dispose of the said representation of the petitioner strictly in accordance with law by hearing all the parties concerned including the petitioner giving due opportunity, upon consideration of the records including the circular of the 2nd respondent

dated 02.11.2021 and the subject documents, appropriate decision shall be taken on its own merits, as expeditiously as possible, preferably within a period of three (3) months thereafter without reference to any of the observations made by the 4th respondent in the impugned letter dated 30.11.2022.

9. Accordingly, the writ petition is disposed of. Interim order if any, deemed to have been vacated. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE B KRISHNA MOHAN

03.12.2025
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