

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

Writ Petition No.23144 of 2012

ORDER:-

This Writ Petition is filed seeking directions by way of Mandamus to declare the action of the respondents in refusing to accept the registered sale deed with regard to land admeasuring Ac.4.83 cents in R.S.No108/1 of Chintampalli village, Chintalapudi Mandal, as illegal and arbitrary.

It is the case of the petitioner that he is the absolute owner and possessor of the aforesaid land having purchased the same through public auction conducted by the Special Cadre Deputy Registrar/Officer on Special Duty, District Cooperative Central Bank Ltd., Eluru, in Execution Petition No.1719/2006-07. It is stated that originally the said land was assigned in favour of Smt.Tsallabatttula Seethamahalakshmi, who has mortgaged the aforesaid land to the Seethanagaram Primary Agricultural Cooperative Society, Seethanagaram, and obtained loan amounts. It is stated that when the assignee has defaulted in paying the amounts, the Primary Agricultural Cooperative Society has obtained an Award under the provisions of the Andhra Pradesh Cooperative Societies Act, 1964 and got executed in E.P.No.1719/2006-07. It is stated that in execution proceedings, the petitioner was the highest bidder and sale was knocked down in his favour and he was also issued sale certificate under Rule 52 of the Andhra Pradesh Cooperative Societies Act, 1964. In this Writ Petition, it is the grievance of the petitioner that when the petitioner desires to sell the aforesaid land by presenting a document, the respondents are not accepting the registration on the ground that the aforesaid land is assigned land.

It is submitted by the learned Counsel for the petitioner that once

the land is sold in public auction, respondents cannot refuse to accept the documents merely on the ground that originally the said land is assigned land. Reliance is placed on the Judgment of a Division Bench of this Court in **SUB-REGISTRAR, SRIKALAHASTI, CHITTOOR DISTRICT v. K.GURAVAIAH** ^[1]. In the aforesaid Judgment, this Court has held that when the assigned land is sold in execution of an award, it loses the characteristic of the assigned land and the exemption under Section 6 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 will be enured to the benefit of the purchaser also.

Even the learned Government Pleader for Revenue appearing for the respondents states that subject matter of this Writ Petition is covered in view of the Judgment of the Division Bench of this Court in **K.GURAVAIAH's** case (1 supra).

Following the Judgment referred to above, as it is stated that the petitioner purchased the land in question in the auction conducted in execution of the award passed under the provisions of the Andhra Pradesh Cooperative Societies Act, 1964, I allow this Writ Petition with the direction that if the documents for sale are presented for registration, the registering authority shall receive and process the same for registration without reference to the ground that the said land is originally assigned. However, it is made clear that it is open to the respondents to verify whether such documents are in accordance with the provisions of the Registration Act, 1908 and the Indian Stamp Act, 1899. No order as to costs.

R.SUBHASHS REDDY, J

31st July, 2012

smr

[\[1\]](#) 2009 (2) ALD 250 (DB)