

**THE HON'BLE SRI JUSTICE R.SUBHASH REDDY**

**WRIT PETITION No.29592 of 2012**

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**ORDER:**

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

This writ petition is filed seeking a mandamus declaring the action of the fourth respondent – Tahsildar, Piler, Chittoor District, in including the land to an extent of Ac.1.00 cents covered by Survey No.250/1B situated at Yerraguntlapalle Village, Piler Mandal, Chittoor District, in the list of Assigned/Government lands basing on the dots in Resurvey Settlement Register (RSR), as illegal and arbitrary, and to consequently, direct the fifth respondent – Sub-Registrar, Piler, Chittoor District, to entertain the sale deed for transfer of aforesaid land in favour of third parties.

The petitioner claims that he is the owner and possessor of land admeasuring Ac.1.00 cents covered by Survey No.250/1B, situated at Yerraguntlapalle Village, Piler Mandal, Chittoor District. It is stated that the said land originally belonged to one Tellamekala Bojjani Ajjanna and the same is a private patta land purchased in 1932

vide document No.728, dated 28.06.1932. It is stated that there are series of transactions right from 1925 onwards for the land in question and predecessors-in-title purchased the property in 1932 and sold the same in favour of the petitioner's father and elder brother, by a registered sale deed, dated 25.05.1953. It is further stated that father and brother of the petitioner were in possession of the property, and in the family partition, land to an extent of Ac.1.00 cents fell to the share of the petitioner. In this writ petition, it is the grievance of the petitioner that the said land is a private patta land and when he approached the fifth respondent for registration of document with regard to transfer of the land in question in favour of the third parties, the fifth respondent is refusing to accept such document on the ground that as per RSR, it is a Government land.

When the matter was taken up earlier, it was adjourned to enable the learned Government Pleader to obtain instructions. When the matter is taken up today, based on written instructions, dated 24.09.2012, it is submitted by the learned Assistant Government Pleader for Revenue appearing for the respondents that as the name of the pattadar was not recorded in column No.16 of RSR, the said land is being treated as a Government land.

In number of cases, this Court held that merely because the name of the pattadar is not recorded in column No.16 of RSR, it cannot be said that the land in question belongs to the Government.

It is to be noticed that RSR was prepared in 1914 and at that point of time, no notices were issued to the owners, whose names are recorded in the revenue records. In this case, it is to be noticed that the father and brother of the petitioner have purchased the land in question in 1953 by a registered document bearing No.1256/1953. It is also to be noticed that there are sale transactions right from 1925 onwards and entries in the revenue records also show that it is a private patta land as such there is no reason or justification for treating the said land as a Government land merely basing on the entries in column No.16 of RSR.

For the aforesaid reasons, this writ petition is allowed declaring that inclusion of the land in question in the list of Assigned/Government lands basing on the dots in RSR is illegal. Further, in case the petitioner presents the document with regard to transfer of land admeasuring Ac.1.00 cents covered by Survey No.250/1B situated at Yerraguntlapalle Village, Piler Mandal, Chittoor District, the

fifth respondent shall receive and process the same for registration without treating the said land as a Government/Assigned land. It is made clear that it is open for the registering authority to verify whether such document is in accordance with the provisions of the Registration Act, 1908 and the Indian Stamp Act, 1899. No order as to costs.

In view of disposal of the writ petition, WPMP.No.37771 of 2012 also stands disposed of.

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**R.SUBHASH REDDY, J**

28<sup>th</sup> SEPTEMBER, 2012.

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