

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.23002 OF 2016

ORDER:

The case of the petitioner is that initially when the petitioner wanted to purchase the land admeasuring Ac.1.19 cents in Sy.No.244 of Kakkalapalli Village, Anantapur Mandal and District, the Sub-Registrar refused to register the said land on the ground that it is assigned land. Against the same, the petitioner filed an Appeal No.49 of 2012 under Section 72 of Registration Act and the same was allowed by order dated 28.09.2012 holding that the pattas in respect of the subject land were granted prior to 1952 and therefore alienation is permissible as per the judgments of the Supreme Court and the same has become final. The petitioner was also granted permission for conversion of the subject land from agricultural to non-agricultural purpose under Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purpose) Act, 2006 vide proceedings dated 21.04.2013. While so, the 2nd respondent has included the above land in the prohibition list under Section 22-A of the Registration Act, 1908. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner.

Learned Assistant Government Pleader for Revenue produced written instructions in Rc.No.B/584/2016, dated 23.07.2016 stating that the subject land is classified as UAW as per RSR and that the connected file was not traced out. It is also stated that though the list of prohibited properties under Section 22-A of the Stamps and Registration Act, 1908 were published in the village and called for objections, no objections were received. It is further stated that the Government of Andhra Pradesh constituted a committee under G.O.Ms.No.300, Revenue Department dated 05.07.2016, in respect of the grievances of the persons affected by the notifications under 22-A of the Act and hence the petitioner can approach the Chief Commissioner of Land Administration to represent his grievance.

Admittedly, the petitioner has succeeded in the Appeal No.49 of 2012 vide order dated 28.09.2013 and that the petitioner has purchased the subject property through registered sale deed in pursuance of the above said order and the said order has become final. The petitioner was also issued land conversion proceedings vide proceedings dated 21.04.2013. But the written instructions produced by the learned Assistant Government Pleader for Revenue does not indicate all the above facts stated by the petitioner.

In view of the above facts and circumstances, the writ petition is allowed directing the 2nd respondent to delete the land in Sy.No.244 admeasuring Ac.1.19 cents of Kakkalapalli Village, Anantapur Mandal and District from the prohibition list. No costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

03-08-2016
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