

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos. 34697 & 41422 of 2016 & 5172 of 2017

Date :29.8.2017

WP 34697 of 17

Between :

Meka Ravindra Babu S/o Venkata Ratnam

62 years

R/o Flat No. 404 Door No. 2-98/71

Raghuram Sandra Apartments, White Field

Kondapur, Hyderabad

Petitioner

And

The State of AP

Rep by its Principal Secretary

Revenue (Assn.1) Department

Secretariat, Guntur and others

Respondents

The Court made the following:



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COMMON ORDER:

Petitioners are aggrieved by inclusion of the properties claimed to have been owned by them in the prohibited list of properties under Section 22-A(1)(e) of Registration Act, 1908 (for short the Act). While so, Government constituted the committee as directed by the Full Bench of this Court in Vinjamuri Rajagopala Chary and others Vs. State of A.P., rep by Principal Secretary, Revenue Department, Hyderabad and others¹, to consider the grievances against inclusion of the properties under Section 22-A(1)(e) of the Act. Petitioner in W.P. No. 34697 of 2017 and some similarly situated persons have submitted applications to the committee against such inclusion and committee has considered their grievances.

2. Learned counsel for petitioners, however, pointed out that instead of deciding the grievances of the aggrieved persons, the committee vide their endorsement Rc.No.c1/1021/2016 (SPL.CSS & LRs) dated 2.6.2017 sought clarification from the Government. According to learned counsel, Committee should decide and the same is binding on persons claiming the land and on the Government.

3. The relevant portion of the letter written to government on behalf of Committee reads as under:

"8). In view of the above grounds, the Committee has decided to refer these cases to the Government to consider them for deletion from prohibitory lists as has been done in the G.O.Ms.No. 1015, Revenue (Assignemnt.III/2) Department dated 16.10.2015. More over, it is pertinent to reiterate that CCLA vide Ref No. Assn.I(1)/162/2015 dated 1.5.2015 and 20.10.2016 has already requested to Government to treat all the assigned lands prior to 1954 as patta lands to settle a number of cases which are pending in Revenue Department and in Civil Courts.

9). Hence the Government is requested to issue orders in the matter for taking necessary action."

4. To appreciate the said contention, it is necessary to consider the directions issued by Full Bench.

4.1 Paragraph 35.1 of the judgment of the Full Bench reads as under:

"35.1 Further, as noticed earlier the State Government is empowered either suo motu or on application to consider the grievances against inclusion of any property in the prohibitory list under Section 22-A of Registration Act and is also empowered to de-notify

¹ 2016 (1) ALT 550 (FB)

either in full or in part the notification issued under sub-section (2). In our opinion, the redressal mechanism is available only with respect to notifications published relating to the properties falling under clause (e) of Section 22-A. Hence, any grievance of the parties with reference to the properties covered by clauses (a) to (d) will have to be questioned by the aggrieved parties only by appropriate proceedings before a competent Court and the adjudication by such Court would be final. Further, so far as notified properties falling under clause (e) are concerned, the redressal mechanism under sub-section (4) of Section 22-A would be able to effectively address the grievance provided the mechanism thereunder is effective, expeditious, fair, and judicious. Thus, in order to make an effective redressal mechanism, we deem it appropriate to direct the respective Governments of both the States to constitute a Committee or establish a Forum within time frame, may be comprising of Principal Secretary of Revenue, Director of Survey and Land Records and a retired Judicial Officer of the rank of a District Judge which shall meet periodically to consider the grievances of the persons affected by the notifications. The Committee shall be empowered to examine relevant records and then pass a reasoned order either accepting or rejecting the grievance by either confirming/deleting/modifying any such property from the notified list of properties. In our view, such orders passed by the Committee shall be binding on the State as well as on the aggrieved person and in the event of any of them being aggrieved thereby, they shall have to approach a competent Court of Law for redressal of their grievance."

5. It is clear from the reading of the above order that the committee constituted in accordance with the directions issued by the Full Bench, is required to examine the grievances of the person against inclusion of their properties in the prohibited list in exercise of power under Section 22-A (1) (e) read with Section 22-A (2) of the Act and take a decision. Thus, question of committee seeking directions from the Government or asking the Government to take appropriate steps does not arise. As held by the Full Bench, once decision is taken by the committee, same is binding on the State as well as aggrieved person and aggrieved parties should work out remedies as available in law.

6. Thus, while holding that question of seeking directions from the Government or asking the Government to take appropriate steps is not valid in law and contrary to the judgment of the Full Bench, the Committee is directed to independently examine the claims of the persons against inclusion of properties claimed to have been owned by them in the notification issued under Section 22-A(1)(e) of the Act. It is made clear that if any of the petitioners have not approached the committee so far, it is open to them to make an application. Accordingly, the writ petitions are disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:29.8.2017
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