

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.29956 OF 2017

DATED : 06.09.2017

Between :

M/s.Haridatta Granites,
Rep., by its Proprietor,
Smt. Divi Jayamma, W/o.Sreedhar,
Aged 37 yrs, Occu : Business,
R/o.Kothapeta Village, Kandukuru Mandal,
Prakasam District.

..

Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary to Government,
Endowments Department,
Secretariat, Velagapudi,
Amaravathi, Guntur District & others.

..

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.29956 OF 2017

ORDER :

Heard.

2. In this writ petition, petitioner challenges the letter bearing Rc.No.M2/9576/2016, dated 04.06.2016 of the Commissioner, Endowments Department addressed to the Commissioner & Inspector General, Stamps & Registration Department, A.P., informing him the list of properties which are treated as Endowment properties in accordance with the provisions contained in Section 22-A (i) (c) of the Registration Act (for short 'the Act'). The property which petitioner claims as owned by her is included in the said prohibited list. The issue of registration of properties which are included in the prohibited list in accordance with Section 22-A of the Act, was considered by the Full Bench of this Court in ***"Vinjamuri Rajagopala Chary Vs State of Andhra Pradesh¹"***. The Full Bench on exhaustive consideration of various provisions of the Act and the decisions has delineated the points and issued directions with reference to the properties which are classified as Endowment properties. The Full Bench granted liberty to the aggrieved person to submit application before the Commissioner for Endowments requesting for deletion of the property, claimed by him, from the list of prohibited properties with supporting documents.

¹ 2016 (1) ALT (550) (F.B)

3. In terms thereof, if petitioner is aggrieved by inclusion of her property, she has to file an application before the Commissioner, for deletion of the property claimed by her. Apparently, so far no such application is filed, but straight away petitioner challenges the impugned letter through which the property claimed by the petitioner was informed as one of the prohibited property.

4. In view of the judgment of the Full Bench, this Court is not inclined to entertain the writ petition and adjudicate the grievance agitated by the petitioner.

5. At this stage learned counsel for the petitioner sought to contend that in view of the letter of the District Collector dated 30.08.2017 wherein, he has recommended to the Commissioner for exclusion of the property claimed by the petitioner from the list of prohibited properties and therefore, contends that inclusion of the property of the petitioner is erroneous.

6. However, this is only a proposal sent by the Collector, for consideration of the Commissioner, Endowments department as per the provisions of Section 22-A of the Act, and the guidelines formulated by the Government and as held by the Full Bench of this Court, the Commissioner, Endowments alone is competent to examine deletion of any property from the prohibited list. This report of the Collector dated 30.08.2017 can be relied upon by the petitioner to persuade the Commissioner for exclusion of property claimed by the petitioner, from the list of prohibited properties. However, *per se*, based on such report a declaration as sought for by the petitioner cannot be granted and this Court is not inclined to go into the merits of the claim at this stage.

7. Thus, leaving it open to the petitioner to avail the remedies as provided under the Act, and as held by the Full Bench of this Court, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

6th September 2017
Rds

P.NAVEEN RAO,J

