

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4468 OF 2017

ORDER:

The case of the petitioner is that petitioner's grandfather had purchased the land admeasuring Ac.2.60 cents of land in Sy.No.76/1, Ac.1.56 cents in Sy.No.77/1 and Ac.0.80 cents in Sy.No.78/1 of Tunglam Village, Gajuwaka Mandal Visakhapatnam District by means of registered sale deed bearing document No.481/1965 dated 03.03.1965. Later by virtue of Will deed dated 24.02.2011, the petitioner's grandfather bequeathed the properties in favour of the petitioner and petitioner became the absolute owner and possessor of the subject property. While so, a notification was issued by the 2nd respondent under Section 22-A(1)(a) of the Registration Act, 1908 (for short 'the Act') including the land of the petitioner in the list of prohibited properties for registration stating that there is a Vagu in the above said lands. In respect of the same, petitioner made an application to the Assistant Director of Survey and Settlement seeking details with regard to existence of Vagu in the above said lands and in pursuant to the same, a letter was issued to the petitioner intimating the petitioner that water is flowing through the land in Sy.No.76/2, 78/3, but not in Sy.No.76/1 and 78/1. Petitioner also made an application on 20.10.2016 to the Assistant Director, Central Survey Office seeking information about survey record and sub-divisions. The

Assistant Director, Central Survey Office gave reply to the petitioner on 29.10.2016 stating the survey was conducted in the year 1955 and in the records it is mentioned that there is no Vagu in Sy.No.77. On 25.10.2016, petitioner made an application to the District Collector requesting to delete the lands of the petitioner from the prohibited list, who inturn directed the Tahsildar, Gajuwaka vide endorsement dated 09.11.2016 to submit a report. As no such report was submitted by Tahsildar, petitioner submitted representation to the District Collector on 20.12.2016 for deletion of the subject lands from the prohibited list. But no action has been initiated by the 2nd respondent. Aggrieved by the same, the present writ petition is filed.

Heard Sri O.Manohar Reddy, learned counsel for the petitioner who submits that the Full Bench of this Court in (W.A.No.343 of 2015) ***Vinjamuri Rajagopala Chary and others vs. State of Andhra Pradesh rep. by Prinipal Secretary, Revenue Department, Hyderabad and others***¹ held that it is always open to the parties to make an application for deletion of the concerned property from the prohibited list and the authorities are bound to consider the same. Inspite of the same, the 2nd respondent has not disposed of the representations made by the petitioner.

Heard the learned Assistant Government Pleader for Revenue.

¹ 2016 (1) ALT 550

In view of the above facts and circumstances and in view of the law laid down by this Court, the 2nd respondent is directed dispose of the representations submitted by the petitioner on 25.10.2016 and 20.12.2016 in accordance with law and take action accordingly, within a period of six (06) weeks from the date of receipt of copy of this order. There shall be no order as to costs.

With the above direction, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

23.02.2017
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A.RAJASHEKER REDDY, J

