

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 3054 of 2017

Date : 31.8.2017

Between :

E Ravi Naidu S/o late E Munirathnam Naidu
50 years
R/o Pudipatla village, Tirupati Rural Mandal,
Chittoor

Petitioner

And

The State of AP
Rep by its Secretary,
Revenue Department (Stamps & Registration)
Secretariat, Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner claims to be owner and possessor of land to an extent of Ac.1.00 cents in Survey No.516/1-B, Pudipatla village, Tirupati Rural mandal, Chandragiri sub district, Sri Balaji Registration District, Chittoor district, having acquired through will deed dated 20.10.2003 executed by his father. Petitioner claims that his father Enukonda Munirtham Naidu purchased the said land from Nagatham Subbarama Reddy under registered sale deed dated 24.5.1985. Ever since, he is in physical possession and enjoyment of the same.

2. With an intention to develop the property Petitioner submitted an application dated 1.1.2015 to the Tirupati Urban Development Authority seeking approval of the layout and obtained the approved layout to sell the plots and sold some of the plots and still some plots remained to be sold. While so, he came to know that first respondent placed the land covered under Survey No. 516 in the prohibited property list and consequently the deeds of conveyance submitted by petitioner for registration were rejected by 4th respondent/ Sub-Registrar on the ground that property covered under sale deed is prohibited. Challenging the same, this writ petition is filed.

3. When the matter is taken, learned Government Pleader produced copy of G O Ms No. 198 Revenue (Assn.I) Department dated 5.5.2016 whereunder the property claimed by the petitioner is also included in the prohibited list under Section 22-A(1)(e) of Registration Act, 1908 (for short the Act).

4. Since property is already included in the prohibited list and notification issued by the Government, prayer sought by the petitioner cannot be granted at this stage.

5. The issue of inclusion of properties in the prohibited list, not accepting the documents for registration and the scope of Section 22-A of the Act were elaborately considered by the Full Bench of this Court in ***Vinjamuri Rajagopala Chary v. State of Andhra Pradesh***¹.

6. In terms of the directions issued by the Full Bench of this Court, a Committee was constituted by G.O.Ms.No.300, Revenue (Assn.I) Department, dated 05.07.2016. During pendency of these Writ Petitions, petitioners have submitted their applications before the Committee constituted by the said G.O.

7. In this context, it is appropriate to note the directions issued by the Full Bench of this Court in paragraph No.35.1 in ***Vinjamuri Rajgopala Chary***. It 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 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

¹ 2016 (1) ALT 570 (F.B)

aggrieved thereby, they shall have to approach a competent Court of Law for redressal of their grievance.”

8. In terms of the directions issued by Full Bench in paragraph No.35.1, it is the Committee, which has to take a decision as to whether inclusion of the properties in the prohibited list under Section 22-A (1) (e) of the Act is invalid or to uphold the decision of the Government. Decision made by the Committee is binding on the aggrieved persons as well as on the Government and aggrieved persons have to work out their remedies under common law.

9. Thus, it is open to the petitioner to ventilate his grievance before the Committee and the Committee shall consider the request and take a decision. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. It is needless to observe that decision taken by the Committee has to be informed to the registering authority.

10. Accordingly, the writ petition is disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:31.8.2017
TVK

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