

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.27370 OF 2017

DATED : 17.08.2017

Between :

Punna Seshaiyah, S/o.Subbarayudu,
Aged 50 yrs, Occu : Ex Councillor,
R/o.D.No.14/61, Anavalapeta Street,
Nandyal, Kurnool District.

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Petitioner

And

The Sub Registrar,
Giddalur,
Prakasam District & others.

..

Respondents



This court made the following :

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ORDER :

Heard.

2. According to the petitioner, Ac.15.00 of land in Sy.No.361/1, Sanjeevaraopeta Village, Giddalur Mandal, Prakasam District, was assigned to Marepalli Subamma who was a political sufferer, vide proceedings dated 15.07.1956. Based on the said proceedings of the Revenue Divisional Officer, Markapur, D-Form patta was granted. The D-Form patta imposes condition of non-alienation of property for a period of ten years. After the death of Subamma, petitioner being the legal heir acquired the land by way of succession. Petitioner sold the said property to one P.Rajasekhar Reddy and delivered possession. While so, for the purpose of executing a registered sale deed when the market value certificate was obtained, the same reflected that the subject land is included in the prohibited list of the Tahsildar dated 01.12.2012. Therefore, the deed of conveyance was refused for registration.

3. The issue of registration of documents presented before the registering authority and inclusion of properties in the prohibited list are all considered by the Full Bench of this Court and the Full Bench rendered judgment in ***Vinjamuri Rajagopala Chary Vs State of Andhra Pradesh***¹, and gave detailed directions on all aspects.

4. According to the directions issued by the Full Bench in Para Nos.35, 36 (ix), a person aggrieved by inclusion of property claimed by him, in prohibited list, including the person in whose favour

¹ 2016 (1) ALT (550) (F.B)

assignment was granted as political sufferer with right of alienation after a period of ten years is entitled to apply to the District Collector for rectification of the revenue records by enclosing all the documents in support of his claim. As and when such claim is made, the District Collector is required to consider the same and take appropriate action either affirming inclusion in the prohibited list or deleting the property from the prohibited list.

5. In the case on hand, though petitioner was informed that his property is included in the prohibited list, he did not apply to the District Collector with supporting material to exclude the property from the prohibited list and straight away instituted this writ petition. Hence, this Court is not inclined to entertain the writ petition.

6. Granting liberty to the petitioner to approach the District Collector, with all the supporting documents requesting to delete the property from the prohibited list, the writ petition is disposed of. It is needless to observe that as and when such request is made, the same shall be considered and appropriate decision be taken and communicated to the petitioner, as expeditiously as possible, preferably within a period of two (2) months from the date of receipt of such request. There shall be no order as to costs.

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

17th August, 2017
Rds

P.NAVEEN RAO,J