

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.43028 of 2016**

**ORDER:**

The case of the petitioners is that they are the owners and possessors of the land to an extent of Ac.14.31 guntas, 0.71 gutnas and 2.78 guntas in Survey No.5, 18/5 and 19/2 respectively, situated at Nadigudem Village and Mandal, Suryapet District. Originally the said land belongs to petitioners' grand father and he got the same vide registered document No.57, dated 05.01.1935. After his death the said lands devolve upon his daughter i.e. mother of the petitioners Smt.Sarojinamma by way of inheritance. But, after independence the jagirs and jameens were abolished and Government of India taken away the entire lands on 07.09.1949 including the above said land. Subsequently, petitioners and their mother submitted a petition before the Settlement Officer at Eluru under Section 11(A) of Abolition of Inam Act, 1948. Thereafter, the Settlement Officer after due enquiry allowed petitioners' application and passed an order dated 04.11.1976 declaring the petitioners as owners and pattadars of the aforesaid land. Subsequently, the petitioners were issued pattedar pass books and title deeds and their names have been recorded in revenue records. Despite the said fact the 2<sup>nd</sup> respondent published the aforesaid land in District Gazette Extra Ordinary, mentioning the said land as government land without any basis. As a result of which

petitioners are unable to procure any financial aid from the banks etc. and also are unable to transfer the said land as per their wish. It is also stated that the petitioners have filed a representation before the 2<sup>nd</sup> respondent on 06.06.2016 for deleting the entries in respect of the subject land from prohibited list prepared under Section 22 A (1)(a) of the Registration Act, 1908. But, as no action is being taken, present writ petition is filed.

Learned counsel for the petitioners submits that the 2<sup>nd</sup> respondent is the competent authority for deleting the names of the petitioners from the prohibited list, but no action is being taken on their representation. In support of his contention he relied on the Judgment dated 23.12.2015 rendered by the Hon'ble Full Bench of this Court in **Vinjamuri Rajagopala Chary and others v. The State of A.P., rep. by Principal Secretary, Revenue Department, Hyderabad & Others**<sup>1</sup> in W.A.No.343 of 2015 and batch.

Heard learned Assistant Government Pleader for Revenue who submits that there is no endorsement in proof of filing application before the 2<sup>nd</sup> respondent.

In **Vinjamuri Rajagopalachary and others case** in para 25.4 it was held as follows;

“The guidelines insofar as clauses (a) to (d) of sub-section (1) of Section 22-A are concerned, it is clear that the concerned

---

<sup>1</sup> 2016 (1) ALT 550 (F.B.)

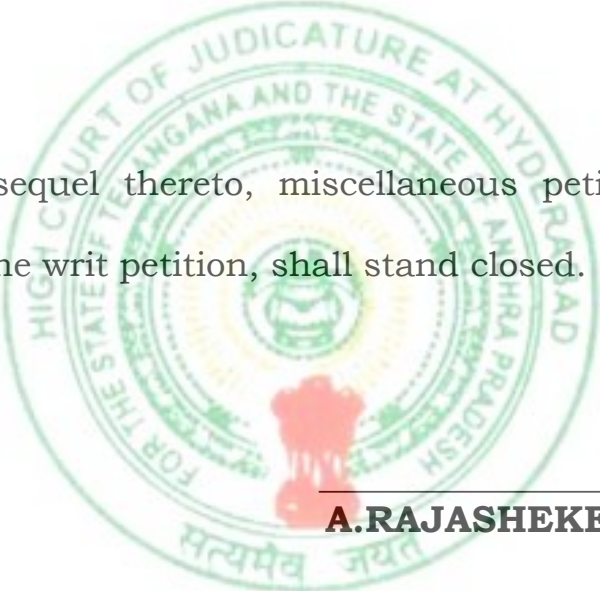
authority viz., District Collectors in case of properties covered by clauses (a) and (b), Commissioner in case of Endowment and Secretary in case of Wakf properties covered by clause (c), and the Special Officer and competent authority under the Urban Land Ceiling Act and Regulations in respect of the properties covered by clause (d) have suo motu power to add to the list or delete from the list of any property and/or to modify the list sent to the registering officer having jurisdiction over such property and also to the District Registrar, Deputy Inspector General or to Commissioner and Inspector General of Registration and Stamps. It also provides that in the event of any deletion or modifications of the properties covered by clauses (a) to (d), the Commissioner and Inspector General of Registration and Stamps shall furnish the modified list to the concerned registering officers having jurisdiction over such property for necessary action. Having regard to the scheme of Section 22-A and careful perusal of guidelines, it appears to us that insofar as properties covered by clause (e) of sub-section (1) are concerned, the State Government either suo motu or on an application by any person or for giving effect to the final orders of the High Court of Andhra Pradesh or Supreme Court of India may proceed to denitrify, either in full or in part, the notification issued under sub-section (2) and similarly insofar as properties covered by clauses (a) to (d) are concerned suo motu power is conferred on the authorities which forward the list to the registering authorities can also add, delete or modify the lists sent to the registering authorities under the provisions of the Registration Act. The guidelines, however, do not state that such power in respect of the properties covered by clauses (a) to (d) can be exercised on an application made by the parties aggrieved/concerned. It is, however, well settled that authorities, such as mentioned in the guidelines, which can exercise suo motu power to add, delete or modify the lists can also exercise such power on an application made by the party aggrieved. In other words, the aggrieved party can also invite the attention of such authority as to illegality, irregularity or impropriety in inclusion of their property in the list and in such event the concerned authority is obliged to consider the application and exercise its power as conferred under the guidelines.”

In view of law laid down by the aforesaid Full Bench Judgment and in view of the facts and circumstances of the case, the petitioner shall make fresh representation before the 2<sup>nd</sup> respondent by mentioning the above facts, and on such representation being submitted, the 2<sup>nd</sup> respondent is directed to consider the same in terms of the Full Bench Judgment referred above and take action within a period of six (6) weeks from the date of making application.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

19.01.2017  
tk



**A.RAJASHEKER REDDY, J**