

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos. 34783, 36224 of 2016 & 5099 of 2017

Date :16.10.2017

WP 34783 of 16

Between :

Sri Kunamneni Dasaradha Ramaiah S/o Sitaramaiah
71 years
D No. 1-60
Bodavada Mandagunta, Paruchuru mandal
Prakasam district and others

Petitioners

And

The State of AP
Rep by its Principal Secretary
Revenue (Assn.1) Department
Secretariat, Guntur and others

Respondents

The Court made the following:



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COMMON ORDER:

Petitioners are aggrieved by inclusion of the properties claimed to have been owned by them in the prohibited list of properties under Section 22-A(1)(e) of Registration Act, 1908 (for short the Act). While so, Government constituted the committee as directed by the Full Bench of this Court in Vinjamuri Rajagopala Chary and others Vs. State of A.P., rep by Principal Secretary, Revenue Department, Hyderabad and others¹, to consider the grievances against inclusion of the properties under Section 22-A(1)(e) of the Act.

2. According to learned counsel for petitioners, petitioners 1 to 4 in WP No. 34783 of 2016 and all the petitioners in WP 36224 of 2016 have already submitted applications before the Committee and petitioners 5 and 6 in WP No. 34783 of 2016 and all the petitioners in WP No. 5099 of 2017 have not submitted applications before the Committee so far.

3. Learned counsel for petitioners, however, pointed out that instead of deciding the grievances of the aggrieved persons, the committee vide their endorsement Rc.No.c1/1021/2016 (SPL.CSS & LRs) dated 2.6.2017 sought clarification from the Government. According to learned counsel, Committee should decide the issue and the same is binding on persons claiming the land and on the Government.

4. The relevant portion of the letter written to government on behalf of Committee reads as under:

"8). In view of the above grounds, the Committee has decided to refer these cases to the Government to consider them for deletion from prohibitory lists as has been done in the G.O.Ms.No. 1015, Revenue (Assignemnt.III/2) Department dated 16.10.2015. More over, it is pertinent to reiterate that CCLA vide Ref No. Assn.I(1)/162/2015 dated 1.5.2015 and 20.10.2016 has already requested to Government to treat all the assigned lands prior to 1954

¹ 2016 (1) ALT 550 (FB)

as patta lands to settle a number of cases which are pending in Revenue Department and in Civil Courts.

9). Hence the Government is requested to issue orders in the matter for taking necessary action."

5. To appreciate the said contention, it is necessary to consider the directions issued by Full Bench.

5.1 Paragraph 35.1 of the judgment of the Full Bench 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 aggrieved thereby, they shall have to approach a competent Court of Law for redressal of their grievance."

6. It is clear from the reading of the above order that the committee constituted in accordance with the directions issued by the Full Bench, is required to examine the grievances of the person against inclusion of their properties in the prohibited list in exercise of power under Section 22-A (1) (e) read with Section 22-A (2) of the Act and take a decision. Thus, question of committee seeking directions from the Government or asking the Government to take appropriate steps does not arise. As held by the Full Bench, once decision is taken by the committee, same is binding on the State as well as aggrieved person and aggrieved parties should work out remedies as available in law.

7. Thus, while holding that question of seeking directions from the Government or asking the Government to take appropriate steps is not valid in law and contrary to the judgment of the Full Bench, the Committee is directed to independently examine the claims of the persons against inclusion of properties claimed to have been owned by them in the notification issued under Section

22-A(1)(e) of the Act. It is open to the petitioners who have not approached the committee so far, to submit their applications within three weeks from the date of receipt of copy of this order and on such submission of applications, the Committee shall consider the grievances of all the petitioners including those petitioners who have made applications as per this order and take a decision by assigning due reasons in support of such decision within a period of three months thereon. It is made clear that if within three weeks applications are not submitted by such of the petitioners who have not already submitted applications to the Committee, the Committee shall proceed with the matter and take appropriate decision as directed above within three months on the applications already received. Accordingly, the writ petitions are disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE:16.10.2017
TVK



P NAVEEN RAO,J

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