

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.30699 OF 2017

ORDER:

1. The limited grievance of the petitioner is that she is in absolute possession and enjoyment of land to an extent of Ac.1.12 cents of Zirayati wet land situated in Survey No.73/1, Duppada Village, Vizianagaram District & Mandal. When the petitioner tried to sell away the land by creating third party interest, she came to know that Ac.0.57 cents out of Ac.1.12 cents are earmarked in Fair Check of Adangal as land of 'Sriramula Varu' and included in the prohibited list of properties under Section 22-A of the Indian Registration Act, 1908 ("the Act" for brevity) and the said fact was informed to the registering authority. The petitioner is aggrieved by such inclusion of property in the prohibited list of properties and seeks a declaration against such inclusion.

2. The issue of inclusion of properties in the prohibited list and mechanism for exclusion of properties from the prohibited list is exhaustively considered by the Full Bench of this Court in **Vinjamuri Rajagopala Chary and others v. State of A.P., rep. by Principal Secretary, Revenue Department, Hyderabad and others**¹ and appropriate directions were issued.

3. In terms of the directions issued by the Full Bench, if the petitioner is aggrieved against inclusion of her property in the prohibited list under Section 22(A)(1)(c) of the Registration Act, she ought to submit an application before the Commissioner of Endowments requesting for exclusion of her property and it is for

¹ 2016(1) ALT 550 (FB)

the Commissioner, Endowments Department to take appropriate decision.

4. The petitioner claims to have made a representation on 11.07.2017 praying to exclude her property from the prohibited list of properties.

5. Since the petitioner has already submitted application to the Commissioner, granting liberty to pursue the said application and directing the Commissioner to examine the claim of the petitioner for exclusion of the subject property from the list of prohibited list of properties, the Writ Petition is disposed of. The Commissioner may consider and take decision as warranted by law, as expeditiously as possible, preferably within two months from the date of receipt of a copy of this order. It is needless to observe that in case the Commissioner accepts the claim of the petitioner, consequential steps shall be taken for excluding the property of the petitioner from the prohibited list of properties. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(P.NAVEEN RAO, J)

13th September 2017
RRB