

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.43481, 43595, 43821 OF 2016

AND

WRIT PETITION No.2475 OF 2017

Dated:30.08.2017

W.P.No.43481 of 2016

Between:

Patchipulusu Vidya Sagar,
S/o. Sankar Narayana, Aged
about 58 years, Occ: Agriculture,
R/o.D.No.13-2-105, 1st Lane,
Gunturvari Thota, Guntur District

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Revenue (Registration
And Stamps) Department, Secretariat,
Velagapudi, Amaravati, Guntur
District and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.43481, 43595, 43821 OF 2016

AND

WRIT PETITION No.2475 OF 2017

COMMON ORDER:

Heard.

2. In these Writ Petitions, petitioners are aggrieved by the orders issued by the Government in G.O.Ms.No.197, Revenue (Assn.I) Department, dated 05.05.2016, prohibiting the list of properties enclosed to the said G.O. from alienation and directing the registering authority not to entertain registration of deeds of conveyance presented before the registering authorities. The said G.O. is issued in purported exercise of power vested under Section 22-A (1)(e) of the Registration Act, 1908 (for short, 'the Act'). The claim of the petitioners is that inclusion of the properties belonging to them mentioned in the respective prayers is erroneous.

3. 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.

4. In paragraph No.36, Full Bench delineated its findings and directions. It reads as under:

"36. (i) The authorities mentioned in the guidelines, which are obliged to prepare lists of properties covered by clauses (a) to (d), to be sent to the registering authorities under the provisions of [Registration Act](#), shall clearly indicate the relevant clause under which each property is classified.

¹ 2016 (1) ALT 570 (F.B)

(ii) Insofar as clause (a) is concerned, the concerned District Collectors shall also indicate the statute under which a transaction and its registration is prohibited. Further in respect of the properties covered under clause (b), they shall clearly indicate which of the Governments own the property.

(iii) Insofar as paragraphs (3) and (4) in the Guidelines, covering properties under clause (c) and (d) are concerned, the authorities contemplated therein shall also forward to the registering authorities, along with lists, the extracts of registers/gazette if the property is covered by either endowment or wakf, and declarations/orders made under the provisions of Ceiling Acts if the property is covered under clause (d).

(iv) The authorities forwarding the lists of properties/lands to the registering authority shall also upload the same to the website of both the Governments, namely igrs.ap.gov.in of the State of Andhra Pradesh and registration.telangana.gov.in of the State of Telangana. If there is any change in the website, the State Governments shall indicate the same to all concerned, may be by issuing a press note or an advertisement in prominent daily news papers.

(v) No notification, contemplated by sub-section (2) of [Section 22A](#), is necessary with respect to the properties falling under clauses (a) to (d) of sub-section (1) of [Section 22-A](#).

(vi) The properties covered under clause (e) of [Section 22-A](#) shall be notified in the official gazette of the State Governments and shall be forwarded, along with the list of properties, and a copy of the relevant notification/gazette, to the concerned registering authorities under the provisions of [Registration Act](#) and shall also place the said notification/gazette on the aforementioned websites of both the State Governments. The Registering authorities shall make available a copy of the Notification/Gazette on an application made by an aggrieved party.

(vii) The registering authorities would be justified in refusing registration of documents in respect of the properties covered by clauses (a) to (d) of sub-section (1) of [Section 22-A](#) provided the authorities contemplated under the guidelines, as aforementioned, have communicated the lists of properties prohibited under these clauses.

(viii) The concerned authorities, which are obliged to furnish the lists of properties covered by clauses

(a) to (d) of sub-section (1) of [Section 22-A](#), and the concerned Registering Officers shall follow the guidelines scrupulously.

(ix) It is open to the parties to a document, if the relevant property/land finds place in the list of properties covered by clauses (a) to (d) of sub-section (1) of [Section 22-A](#), to apply for its deletion from the list or modification thereof, to the concerned authorities as provided for in the guidelines. The concerned authorities are obliged to consider the request in proper perspective and pass appropriate order within six

weeks from the date of receipt of the application and make its copy available to the concerned party.

(x) The redressal mechanism under [Section 22-A\(4\)](#) shall be before the Committees to be constituted by respective State Governments as directed in paragraph-35.1 above. The State Governments shall constitute such committees within eight weeks from the date of pronouncement of this judgment.

(xi) Apart from the redressal mechanism, it is also open to an aggrieved person to approach appropriate forum including Civil Court for either seeking appropriate declaration or deletion of his property/land from the list of prohibited properties or for any other appropriate relief.

(xii) The directions issued by learned single Judges in six judgments referred to above or any other judgments dealing with the provisions of [Section 22-A](#), if are inconsistent with the observations made or directions issued in this judgment, it is made clear that the observations made and directions issued in this judgment shall prevail and would be binding on the parties including the registering authorities under the [Registration Act](#) or Government officials or the officials under the [Endowments Act](#), [Wakf Act](#) and Ceiling Acts.

(xiii) If the party concerned seeks extracts of the list/register/gazette of properties covered by clauses (a) to (e) of [Section 22-A](#) (1), received by the registering officer on the basis of which he refused registration, it shall be furnished within 10 days from the date of an application made by the aggrieved party.

(xiv) Registering officer shall not act and refuse registration of a document in respect of any property furnished to him directly by any authority/officer other than the officers/authorities mentioned in the Guidelines.

(xv) Mere registration of a document shall not confer title on the vendee/alienee, if the property is otherwise covered by clauses (a) to (e), but did not find place in the lists furnished by the concerned authorities to the registering officers. In such cases, the only remedy available to the authorities under clauses (a) to (e) of sub- section (1) of [Section 22-A](#) is to approach appropriate forums for appropriate relief.”

5. 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. The Committee has gone into the grievances expressed by the petitioners. The

Committee instead of taking a decision has, in turn, requested the Government to take necessary action.

6. Learned counsel representing the petitioners placed before this Court the letter dated 02.06.2017 addressed by the Chief Commissioner of Land Administration and Special C.S. and Chairman of State Level Grievance Redressal Committee, to the Principal Secretary to the Government and contended that the Committee erred in not deciding the issue and referring the matter to the Government. Paragraph Nos.8 and 9 of the letter read 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 (Assignment.III/2) Department, dated 16.10.2015. Moreover, it is pertinent to reiterate that CCLA vide Ref.No.Assn.I(1)/162/2015, dated 01.05.2015 and 20.10.2016 has already requested the Government to treat all the assigned lands prior to 1954 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.”

7. A reading of the above paragraphs would show that the Committee has not considered the grievances ventilated before it, but in turn addressed the Government to take appropriate decision.

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

9. 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 valid 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. Thus, the Committee could not have requested the Government to take appropriate decision or solicited the Government Orders and the said request of the Committee is *ex facie* illegal in the teeth of the directions issued by the Full Bench of this Court.

10. Thus, the request made by the Chief Commissioner of Land Administration on behalf of the Committee in the letter dated 02.06.2017, as extracted above, being contrary to the directions of the Full Bench of this Court, to that extent, the extracted portion of the letter, dated 02.06.2017, is set aside and the Committee is directed to examine the claims as already ventilated or that may be ventilated against inclusion of properties in the prohibited list.

11. Learned counsel representing the implead petitioners submits that the properties which the petitioners are claiming actually are assigned lands and they were assigned to them.

12. Since the Committee is seized of the matter, it is open to any of the persons aggrieved, including impleaded respondents, to ventilate their grievance before the Committee and the Committee shall consider all the requests as well as objections on the issue before taking 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 open to any of the petitioners who have not already submitted applications to submit their applications within a period of two weeks from today. It is also open to the affected parties to submit their objections opposing deletion of any property from the list of prohibited properties within a period of three weeks from

today. It is needless to observe that decision taken by the Committee has to be informed to the registering authority.

13. With the above observations and directions, the Writ Petitions are accordingly disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in these Writ Petitions shall stand closed.

P. NAVEEN RAO, J

Date:30.08.2017

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