

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NOS.41807 & 42228 OF 2016

Date :12.09.2017

WP No.41807 of 2016:

Between :

Bandari @ Maileri Nagaraju S/o late Mallanna,
Aged about 48 years, Occu: Agriculture,
R/o D.No.16-591-1, Madanapalle Post & Town,
Madanapalle Mandal, Chittoor District and
others.

.... Petitioners

and

The State of Andhra Pradesh, rep.by its Principal
Secretary, Revenue Department, Secretariat
Buildings, Hyderabad and others.

.... Respondents

The Court made the following:



HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NOs.41807 & 42228 OF 2016

ORAL ORDER:

In both writ petitions, petitioners challenge G.O.Ms.No.215 Revenue (ASSN.I) Department, dated 13.5.2016 issued in exercise of power vested in the State under Section 22-A (2) notifying the subject properties covered by 22-A(1)(e) of the Registration Act, 1908 and prohibited for registration. As issue is common in both writ petitions, they are heard and disposed of by this common order.

2. Heard Sri V.R.Reddy Kovvuri learned counsel for petitioners in W.P.No.41807 of 2016 and Sri Suresh Kumar Reddy Kalva learned counsel for petitioner in W.P.No.42228 of 2016 and learned Government Pleader for Assignments appearing for respondents.

3. In W.P.No.41807 of 2016, petitioners contend that Survey No.708 of Bashinikonda village fields, Madanapalle Mandal, Chittoor district consists of Ac.13.60 cents was assigned in favour of one late Pedda Chenganna through proceedings dated 18.2.1922; later it was sub divided and on 16.8.1938 land to an extent of Ac.2.41 cents in Survey No. 708/2 was transferred in favour of grand father of petitioners by name late Bandari @ Maileri Ramanna. Petitioners claim that they are owners of land to an extent of Ac.2.41 cents in Survey No. 708/2, Basinikonda-I Revenue Village, Madanapalli Mandal, Chittoor district According to petitioners, family members' names are mutated in the Revenue Records, pattadar pass books and title deeds are issued in the

name of their grand father. While so, when the petitioners intend to sell the property to an extent of Ac.0.50 cents and presented the document for registration, the Registering Authority (5th respondent) refused to receive the same holding that the said property is included in the prohibited list of properties. Aggrieved by the intimation of refusal, petitioners filed W.P.No.21386 of 2012, wherein this Court declared the action of refusing to register the document as illegal and directed to receive and register the document and disposed of the writ petition by order dated 16.7.2012 permitting the petitioners to submit representation to the second respondent therein seeking deletion of subject land from the list of Government lands with a further direction to second respondent to enquire and pass appropriate orders. Accordingly, petitioners submitted representation dated 3.4.2013. By memo dated 3.4.2014 petitioners were informed that the subject land was assigned in favour of five individuals in the years 1970 and 1983 and same was resumed in the year 1988 and accordingly land was handed over to A.P. Industrial Infrastructure Corporation (APIIC) on 6.12.1991 and 15.12.1992 for establishment of 'Auto Nagar'. However, in spite of several requests made, assignment particulars were not furnished. Challenging memo dated 3.4.2014, first petitioner filed W.P.No.12826 of 2014 and petitioners 2 to 4 filed W.P.No.12224 of 2014 whereunder declaration was sought against 5th respondent in refusing to entertain the sale deeds for registration. During the pendency of the said writ petitions, Full Bench of this Court rendered judgment in batch of writ petitions and writ appeals on scope of Section 22-A of Indian Registration

Act, 1908. Consequent to the decision of the Full Bench in exercise of power under Section 22-A(2), notification was issued vide G.O.Ms.No.215 Revenue (Assn.I) Department dated 13.05.2016, impugned herein, including the properties claimed by petitioners in the list of prohibited properties.

4. In W.P.No.42228 of 2016 petitioner claims that property to an extent of Ac.1.16 cents in Survey No. 535, Bandameedhi Kampalli village was classified as 'Gayalu (Unassessed) Waste Dry'; later classification was changed as 'Assigned Waste Dry' and assigned in favour of one Vadde Venkata Boyadu in the year 1925; said assignee sold the property to Smt Sridevamma in the year 1944; said Sridevamma sold the property to one L.Raghunadha Reddy. Out of the total extent of land Ac.0.22 cents was sold to municipality by L.Raghunadha Reddy. In the year 2011, L.Raghunadha Reddy with an intention to alienate the land, approached 5th respondent along with a draft sale deed for getting the document registered. However, 5th respondent refused the document stating that same is classified as Government land. Aggrieved thereby, L.Raghunadha Reddy filed W.P.No.23702 of 2011. Said writ petition was disposed of on 2.2.2012 directing the Sub Registrar to entertain the document. Accordingly, registration took place and vendor of the petitioner purchased the land under Registered document dated 11.2.2015. Vendor of petitioner approached the Registering authority for submission of sale documents. Petitioner claims that he is owner of plot to an extent of 121.11 square yards in Survey Nos.525/1 and 525/2 covering Plot No. 14, Bandameedhi Kampalli Revenue Village, Madanapalle Mandal, Chittoor district. At that stage, G.O.Ms.No.215 Revenue

(Assn.I) Department dated 13.5.2016 was issued and petitioner was informed that the land was included in the prohibited properties list.

5.1. Learned counsel Sri V.R.Reddy Kovvuri submitted that land in issue is a private patta land, therefore question of including such land in the list of prohibited properties and denying registration of deeds of conveyance is *ex facie* illegal, amounts to arbitrary exercise of power and authority affecting the right of an individual to enjoy the property vested in him and, therefore, offends Article 300-A of the Constitution of India.

5.2. He would further submitted that even assuming that it is an assigned land, such assignment was made prior to 1954 and all assignments made prior to 1954 are not burdened with prohibition of alienation and therefore it is permissible for the assignee to alienate the land. The prohibition from alienation was introduced only for the first time in the year 1954. Therefore, prohibition against alienation is applicable only to lands assigned after 1954 whereas in the case on hand, assignment was traceable to the year 1922, thus, inclusion of such property in the prohibited list of properties is erroneous.

5.3. He would further submit that to attract clause (e), how there is avowed or accrued interest in the concerned property has to be specified clearly in the notification. The notification under challenge is bald, it does not assign reasons why the property of the petitioners is included in the prohibited list of properties. By pointing out the entry made against the property, he would submit that petitioners' property is included in the prohibited list only on

the ground that earlier writ petitions filed by the petitioners are pending. He would submit that cause in the said writ petitions has become infructuous and accordingly those writ petitions are withdrawn. He would therefore submit that such reason does not subsist now and inclusion in the list of prohibited properties is no more valid.

5.4. By referring to various paragraphs of the Full Bench judgment, he would submit that even in the case of issuing notification by the Government under Clause (e), it is mandatory for the District Collector first to identify the properties which are to be included in the notification and must assign due reasons in support of his proposals for such inclusion. The proposal submitted by the District Collector should be objectively considered by the Government and then only notification should be issued including the properties in the prohibited list. While issuing such notification, the notification must also specify the reasons why the concerned property is included in the list. Thus, assigning due reasons in support of inclusion are in-built into the statutory scheme, as held by the Full Bench, whereas in the case on hand, against the property of the petitioners no mention is made as to reasons for such inclusion, therefore, on that ground alone, the notification is liable to be set aside insofar as property of the petitioner is concerned.

5.5. According to Sri V.R. Reddy Kovvuri, the redress mechanism created in paragraph no. 35.1 of the Full Bench is applicable only to the notifications/circulars/orders issued by the District Collector/Commissioner for Endowments/Chief Executive Officer

of Wakf Board with reference to the steps covered by Clauses (a) to (d) and same is not applicable to the subject covered by Clause (e). According to learned counsel Section 22-A itself takes care of the remedy available to the aggrieved person. As per Sub-section (4) of Section 22-A, once a notification is published by the State Government under sub section (2), the State Government either *suo motu* or on an application by any person or for giving effect to the final orders passed by the High Court or Supreme Court, may proceed to de-notify either in full or in part, the notification issued under sub section (2). He would therefore submit that the statute itself takes care of the remedy to the aggrieved person.

5.6. He further submitted that members comprising of the Committee are lower in rank than the decision making authority of the Government. Therefore, they cannot independently take decision to supersede the decision taken by the Government and therefore remedy available before the Committee constituted cannot be called as effective and/or efficacious remedy and petitioners cannot be compelled to avail such remedy.

5.7. It is contended that these properties are private properties, they were never treated as prohibited properties and for the last several years, there have been sale transactions which are registered and at no point of time, deeds of conveyance were refused for registration.

6. Sri Suresh Kumar Reddy Kalva learned counsel for petitioner in W.P.No.42228 of 2016 has adopted the submission made by Sri V.R.Reddy Kovvuri.

7.1. Learned Government Pleader submitted that petitioners in W.P.No.41807 of 2016 earlier filed writ petitions in the year 2014 and in the said writ petitions, on behalf of the respondents, counter-affidavits were filed. By referring to the averments made in the counter-affidavit filed in W.P.No.12224 of 2014, learned Government Pleader submitted that the land in Sy.No.708 to an extent of Ac.13.60 of Basinikonda village in Madanapalle Mandal, is classified as Government dry. As per the entries in Diglot and assignment files and No.4 Register of 1366 fasli, land in Sy.No.708/3 admeasuring Ac.2.04 was assigned to Sri Aadurti Pedda Chenganna; land in Sy.No.708/3A2 admeasuring Ac.1.91 was assigned to Edagotti Ramakka; land in Sy.No.708/2 admeasuring Ac.2.41 was assigned to B.Ramanna; that the said lands were resumed to the Government and reassigned to others, whose names are mentioned in the tabular form. He would further submit that they were issued DKT pattas, but they were also cancelled in the year 1988 as these lands are required to establish 'Auto Nagar' by APIIC. The assignees, whose names are mentioned in the tabulated form, preferred appeal before the Sub-Collector. The Sub-Collector, by order dated 02.08.1991 confirmed the order of Tahsildar. Thereon the assignees carried the matter to Joint-Collector, who dismissed the appeal by his order dated 30.05.1992. According to the learned Government Pleader, land was handed over to APIIC and the adangal reflects the name of APIIC. He would therefore submit that lands claimed by the petitioners are not private patta lands, but they are the Government lands and earlier assignments were cancelled and ultimately land is now vested in APIIC. He would further submit

that since the writ petitions are pending against the properties claimed by the petitioners, the writ petition numbers were mentioned in the relevant columns of the notification.

7.2. Learned Government Pleader submitted that Committee is constituted by the Government in accordance with the directions issued by the Full Bench and if the petitioners have any grievance against inclusion of their properties in the prohibited list of properties, petitioners have to submit application before the Committee with all supporting documents for consideration of the Committee and therefore prayed for dismissal of the writ petition and to direct the petitioners to avail the remedy of submitting the applications before the Committee.

8. Exercise of power by registering authorities is regulated by the Registration Act and Rules made there under. According to Section 22-A of the Act whenever a property is included in the prohibited list of properties, the Registering authority cannot entertain any document on the said property for registration. Under clauses (a) to (d) either the District Collector or the Commissioner for Endowments or the Chief Executive Officer of the Wakf Board, etc., as the case may be, are competent authorities to furnish list of properties which are prohibited from alienation informing the Registering Authority not to entertain deeds of conveyance for registration against those properties. To prohibit properties under Section 22-A (1) (e) of the Act, 1908, the Government has to issue notification under Section 22-A(2) notifying the properties in which Government or the various

authorities mentioned thereunder has avowed and/or accrued interest.

9. To the extent relevant Section 22-A (1) (e), 22 (2) and 22 (4) of the Act, 1908 read as under:

"22A. Prohibition of Registration of certain documents:--

(1) The following classes of documents shall be prohibited from registration, namely:--

(a).....

(e) Any documents or class of documents pertaining to the properties the State Government may, by notification prohibit the registration in which avowed or accrued interests of Central and State Governments, Local Bodies, Educational, Cultural, Religious and Charitable Institutions, those attached by Civil, Criminal, Revenue Courts and Direct and Indirect Tax Laws and others which are likely to adversely affect these interest.

(2) For the purpose of Clause (e) of Sub-section (1), the State Government shall publish a notification after obtaining reasons for and full description of properties furnished by the District Collectors concerned in the manner as may be prescribed.

.....

.....

(4) 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 denotify, either in full or in part, the notification issued under Subsection (2)."

10. The scope of Section 22-A, inclusion of the properties in the prohibited list of properties and refusal of the Registering authority to entertain the documents for registration, the remedy availed to aggrieved party was extensively considered by the Full Bench of this Court in **VINJAMURI RAJAGOPALACHARY Vs THE STATE OF A.P & OTHERS¹**.

11. The Full Bench has discussed extensively the scope of each of the clauses (a) to (e) of Section 22-A (1) of the Act, 1908. The Full Bench observed that power is vested in District Collector/ Commissioner, Endowments/Chief Executive Officer, Wakf Board to include a property in the list of prohibited properties and such

¹ 2016 (2) ALD 236 (FB)

power takes in its component the power to exclude the properties so included in the prohibited list. At this stage, it is apposite to note the observations of the Full Bench.

“25.4.....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. {See Pune Municipal Corporation v. State of Maharashtra and others [MANU/SC/7170/2007MANU/ SC/7170/ 2007 : (2007) 5 SCC 211] and K.Pandurangan v. S.S.R. Velusamy and another [MANU/SC/0736/2003MANU/SC/0736/ 2003 : (2003) 8 SCC 625] }. Having regard thereto, in our opinion, if an application is made by an aggrieved party to the authorities referred to in the guidelines, they are obliged to deal with the same and take appropriate action of either adding, deleting or modifying the lists of the properties covered by clauses (a) to (d) of sub-section (1) of Section 22-A of Registration Act. This power, however, does not contemplate any hearing as such. In view thereof, we observe that an aggrieved party can adopt appropriate remedy either against the order passed by such an authority or independently seek declaration in respect of their property in an appropriate proceeding. We make it clear that these observations shall not be treated as creation of any Forum as such for redressal of grievances of aggrieved party in respect of the properties covered by clauses (a) to (d) of sub-section (1)”.

12. On extensive consideration of the guidelines framed by the Government with reference to exercise of power to issue notification/orders including the properties in the prohibited list of properties under clauses (a) to (e), the Full Bench observed as under:

“25.5 In our considered view, the guidelines, which are extracted supra, provide adequate measures to rule out any mischief and arbitrariness in furnishing lists of properties prohibited under clauses (a) to (e) of Section 22-A of the Registration Act to the Registering officers concerned; and, under these guidelines, the officers who are enjoined with the duty of identifying the properties and furnishing the lists to the Registrars concerned are also identified and specified:

"Further, provisions are also made for deletions and modifications of the lists under various clauses (a) to (d) and also for reconciliation once in a quarter. Then directions are also issued to maintain Register of Refusals in a prescribed form. Therefore, the apprehension that there may be mischief or arbitrariness in furnishing lists of properties to the Registrars concerned is not well founded. Hence, we see no merit in the contention that the procedure for entering properties in the lists is irregular and arbitrary."

13. From paragraph 26 onwards, the Full Bench discussed the scope of power under Section 22-A(2) read with Section 22-A(1)(e) of the Act, 1908. As seen from paragraph 31.3 of the Full Bench judgment, the Full Bench noted that the District Collectors are expected to state the reasons and also furnish full description of properties for issuance of notification and its publication in the official gazette. Thus, before State Government resorts to include the properties in the prohibited list of properties in a notification issued under Section 22-A (2) of the Act, 1908, detailed exercise is required to be undertaken by the District Collector. Once such exercise is undertaken and opinion is furnished to the Government and Government issues a notification, in terms of sub Section 4 of Section 22-A of the Act, 1908, remedy available to the aggrieved person is to go before the Government and seek exclusion of the property. Having regard to the provisions of Section 22-A of the Act, 1908 and on consideration of the principles of law culled out in the precedent decisions, it was held that sub section (2) do not contemplate prior hearing or opportunity before issuing a notification, whereas, under sub section (4) sufficient remedy is available for the person to ventilate his grievances and at that stage, the concerned authority is required to grant opportunity of being heard and also to produce material documents in support of his claim and concerned authority should deal with the application in the light of the material documents produced by him and to pass a speaking order either rejecting the application or allowing the same. (Paragraphs 32.3 to 32.6).

14. Thus, it is clear that Full Bench has considered this aspect and held that at the stage of issuing notification no prior opportunity is required; such notification need not contain detailed reasons in support of the decision to include any property in the list of prohibited properties, except briefly noting the classification of the land. With reference to petitioners in W.P.No.41807 of 2016 the respondents have clearly stated in the earlier writ petitions filed by petitioners that lands are assigned lands, resumed and handed over possession to APIIC. Therefore, it cannot be said, in the facts of these cases, that there is no reason to include the properties in the prohibited list.

15. From paragraph Nos.26 onwards the Full Bench examined various aspects flowing out of a notification issued under sub section (2) and concerning the properties covered by Clause (e). Having noticed that redress mechanism is available under sub section (4) against inclusion of the properties in the prohibited list in the notification issued under sub section (2), the Full Bench was of the opinion that such mechanism can be effective, expeditious and judicious if it comprises of an independent team and therefore the Full Bench directed constitution of the Committee; Full Bench also specified composition of the Committee. As per the directions of the Full Bench contained in paragraph 35.1 the Committee shall consist of Principal Secretary to the Revenue, Director of Survey and Land Records and Retired Judicial Officer of the rank of District Judge. This committee requires to deal with grievances arising out of Section 22-A(2) notification. The Full Bench has held that once a decision is taken by the Committee, same is binding on the parties objecting to inclusion and the Government as the case

may be, and affected party has to work out remedies as available in law. Thus, it is open to an aggrieved person to go before the Committee and satisfy the Committee that inclusion in the prohibited list of properties was erroneous. Thus, effective redress mechanism is available to an aggrieved person against inclusion of his property in a notification issued under sub Section (2).

16. Paragraph 35.1 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.”

17. On a plain reading of the judgment of Full Bench and extracted portion of paragraph 35.1 the submission of Sri V.R.Reddy Kovvuri that the Committee envisaged by the Full Bench judgment in paragraph No.35.1 is not intended to redress the grievances against the notification issued under sub section (2) and would only concern the inclusion of the properties by various authorities under clauses (a) to (d) is stated to be rejected.

18. This is also clear from the reading of the directions issued by Full Bench in paragraph 36. The directions read as under:

“36. We, thus, summarize our conclusions and issue directions as follows:-

(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.

(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 subsection (1) of Section 22-A is to approach appropriate forums for appropriate relief."

19. Having regard to the elaborate consideration of the matter and directions issued by the Full Bench, I am of the considered opinion that the contention of the learned counsel for petitioners that petitioners need not avail the remedy of representing to the committee against inclusion of the properties in the prohibited list of properties is erroneous, merits no consideration.

20. It is also appropriate to note that the entries made against the properties mentioned in the impugned notification have to be seen in the light of stand expressed by the respondents in the

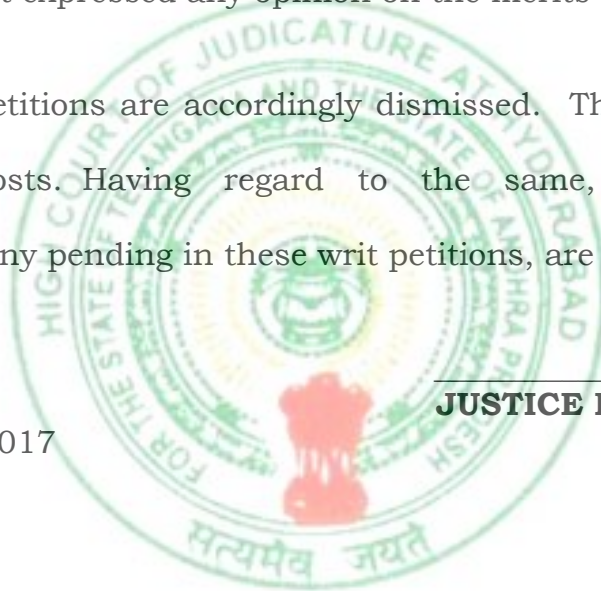
counter-affidavits filed in the earlier writ petitions filed by petitioners in W.P.No.41807 of 2016.

21. If petitioners are aggrieved by inclusion of their properties in the prohibited list under Section 22-A(1)(e) of the Act they may avail the remedy of appealing to the Committee constituted to redress these grievances or to avail civil law remedy. In view of the law declared by the Full Bench the Court is not inclined to entertain the writ petition. It is open to petitioners to avail appropriate remedy as available in law. It is made clear that the Court has not expressed any opinion on the merits of the issue.

22. Writ petitions are accordingly dismissed. There shall be no order as to costs. Having regard to the same, miscellaneous petitions, if any pending in these writ petitions, are closed.

Date:12.09.2017
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JUSTICE P.NAVEEN RAO



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