

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 7138 OF 2017

ORDER:

This writ petition is filed seeking writ of mandamus to declare the action of the 1st respondent in entering the land to an extent of Acs.6.19 cents in Sy.No.90/1A and Ac.1.70 cts in Sy.No.90/1C of Pochampalli village, Jaggaiahpet Mandal, Krishna District in the prohibited list prepared under Section 22-A of the Registration Act on the ground that it is the Ceiling Surplus Land by ignoring the orders of the Land Reforms Appellate Tribunal in LRA No.825/1978, dated 05.02.1979 and the consequential orders in CRP No.3374/1982 dated 14.04.1987 passed by this Court as illegal and arbitrary and consequently to direct the respondents 1 and 2 to revise the prohibited list prepared under Section 22-A of the Registration Act by deleting the subject land and communicate the revised prohibited list to the 3rd respondent.

It is the case of the petitioner that he is the owner of the subject land to an extent of Acs.7.89 cents i.e., Ac.6.19 cents in Sy.No.90/1A and Ac.1.70 cts in S.No.90/1C of Pochampalli village, Jaggaiahpet Mandal, Krishna District. Originally, the said land was in the name of Thippireddy Rosamma and after her death, he became the owner of the subject land. Subsequently, the 1st respondent mutated his name in revenue records and pattadar pass books and title deeds were also issued in his name. It is stated that earlier the father of the petitioner filed declaration

before the Land Reforms Tribunal by showing the land in Sy.No.90 along with other list of lands to an extent of Acs.117.50 cents by stating that some of the lands are ancestral property and some of the land purchased jointly in the name of 5 brothers and some of the land was purchased by the father of the petitioner. It is stated that total Acs.8.10 cents have been shown in respect of Sy.No.90/1 and claimed that the total land not in excess of Standard holding held by family unit. It is also stated that the II Additional Revenue Divisional Officer, Land Reforms, Vijayawada vide proceedings dated 31.10.1977 held that total land is 2.1186 standard holding and the family unit is entitled to only 1.0000 standard holding and also stated that his father is in excess of the land of 1.1186 Standard holding and directed his father to surrender the excess land. Aggrieved by the same, the father of the petitioner filed Appeal i.e., LRA No.825/1978, which was allowed on 05.02.1979 by declaring that the father of the petitioner is not having any excess standard holding. Aggrieved by the said orders, the Land Reforms Officer filed C.R.P No.3374/1982 before this Court, which was dismissed on 14.04.1987 and the same has become final. As such, the father of the petitioner need not surrender any land to the Government. That when the petitioner approached the 3rd respondent for registration of the mortgage deed, it was informed to the petitioner that the subject land was declared as Ceiling Surplus by the 1st respondent and entered the survey number in the prohibited list and also that the document will not be received and processed for registration. It is also stated that the 1st respondent furnished

prohibited list to the 3rd respondent by including Sy.No.90, wherein the subject land is entered in prohibited lands. It is stated that since the subject land is Government land, the same has been included in the prohibited lands. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

Learned Assistant Government Pleader for revenue submits that the petitioner has to make necessary application before the District Collector stating facts as mentioned in the affidavit filed in support of the writ petition and as per the judgment of the Full Bench reported in **Vinjamuri Rajagopala Chary and others v. State of Andhra Pradesh, rep. by Principal Secretary, Revenue Department, Hyderabad and others**¹, the District Collector is competent to consider the said representation.

It is to be seen that the averments in the affidavit filed in support of the writ petition goes to show that though initially subjects were declared as excess ceiling surplus, but on filing appeal by the father of the petitioner, i.e., LRA No.825/1978, which was allowed on 05.02.1979 by declaring that the father of the petitioner is not having any land in excess standard holding. Against the said orders, the Land Reforms Officer filed C.R.P No.3374/1982 before this Court, which was dismissed on 14.04.1987 and the same has become final, as such, the subject lands were held to be within the limits. In view of the same, the respondent authorities are bound to consider the same and delete

¹ 2016 (1) ALT 550 (F.B)

the same from the list of prohibited properties list, since the list shows that the subject land is in ceiling excess land.

In view of above facts and circumstances, it is for the petitioner to make application to the District Collector stating the above facts and on such application, the District Collector shall consider and dispose of the same, within a period of six weeks from the date of making application.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

15-03-2017
kvs



A.RAJASHEKER REDDY,J

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