

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.13432 of 2017

Dated:16.08.2017

Between:

M/s. Vigneswara Stone Crusher,
A partnership firm registered under the
Partnership Act 1932, Rep. by its
Managing Partner Racherla Anantasuryaprakash
Rao S/o Balakotaiah, aged 42 years,
R/o D.No.2-102, Madhavaram, Talluru,
Prakasam District and another.

...Petitioners

AND

The State of Andhra Pradesh,
Rep by its Principal Secretary to Govt.,
Revenue Department, A.P.Secretariat,
Velagapudi, Guntur Dist and others.

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.13432 of 2017****ORDER:**

Petitioners claim that the land to an extent of Ac.4-61 cents in Survey No.307/2 situated at Sivarampuram Village, Tandur Mandal, Prakasam District, was given to them on payment of market value as determined by the competent authority and certificate to this extent was also issued by the Tahsildar, Tallur on 03.06.2009. Once the land is given to the petitioners on payment of market value, it can be alienated and the said land cannot be continued to be treated as a Government land. However, when the petitioners sought to present a document with regard to the said property for registration, the Sub- Registrar refused to receive and the same, and on enquiry the petitioners came to know that the said property is now included in the prohibited list by the Government as per the notification issued by the Government vide G.O.Ms.No.198, Revenue (Assn.I) Department, dated 05.05.2016, under Section 22-A(1) (e) of Registration Act and the names of the petitioners were also shown at Sl.No.11454. Assailing the same, the present writ petition is filed.

2. Learned Government Pleader for Revenue submits that the Full Bench of this Court in the case of **Vinjamuri Rajagopala Chary v. The Government Of Andhra Pradesh**¹ having considered various orders of this Court earlier made with regard to registration of documents by following statutory provisions, issued series of directions, which read as under:

¹ 2016 (1) ALT 550

“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."

2.1. As per the directions issued by the Full Bench, if any person has grievance against inclusion of the property claimed by him in the prohibited list under Section 22-A (1) (e) notification, he shall submit an application either for deletion from the list or modification thereof before the State Level Committee. The State Level Committee is obliged to consider the request in proper perspective and take appropriate decision which shall be binding on the party and the Government.

3. Having regard to the directions issued by the Full Bench, this Court is not inclined to go into the contentions of the petitioners at this stage. Since the petitioners have not availed the remedy of submitting an application to the State Level Committee for deletion of property claimed by them from the prohibited list, liberty is granted to the petitioners to submit such application and on submission of such application, the State Level Committee shall examine the same and pass an appropriate order as warranted by law by assigning due reasons in support of the decision. The State Level Committee shall take a decision within a period of three (03)

months from the date of receipt of a copy of application that may be presented by petitioners.

4. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE P.NAVEEN RAO

Date:16.08.2017
YVL/tvk



THE HON'BLE SRI JUSTICE P. NAVEEN RAO



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