

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.13351 of 2017

Date :30.8.2017

Between :

A Chengalrayappa S/o A Gangappa
72 years
Mabbuvallapeta, Melumai village,
Gangavaram mandal, Chittoor district

Petitioner

And

State of A P
Re by its Principal Secretary,
Revenue Department, Secretariat, Amaravati and others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner claims that land to an extent of Ac.0.11 cents in Survey No. 317/2B and Ac.0.23 cents in Survey No. 318/B of Melumai village, Gangavaram mandal, Chittoor district is a private land. The said land originally belongs to Sri V.Muniramaiah who sold the same to petitioner through registered sale deed dated 21.1.1987 and pattadar pass book and title deeds are issued to him and in the Revenue Records his name is reflected. With an intention to dispose of the said property, petitioner approached the third respondent to know the market value and petitioner was informed that the property is shown in the prohibited list of properties, a notification of which was issued vide G O Ms No. 215 Revenue (Assignment.I) Department dated 13.5.2016 under Section 22-A(1)(e) of Registration Act, 1908 (for short the Act). Aggrieved thereby this writ petition is filed.

2. Learned counsel for petitioner submits that even according to respondents as disclosed from the extract of annexure to G.O.Ms No. 215 dated 13.5.2016 subject property is assigned prior to 1954 and there is no bar for alienation of lands assigned prior to 1954, thus, inclusion of the property in prohibited list and not furnishing the market value is illegal.

3. Learned Government Pleader primarily submits that forum is created for ventilating grievances against such inclusion. He would also submit that even assignments made prior to 1954 also barred from alienation, and therefore, on the same premise, petitioner cannot seek to alienate the land without seeking its exclusion from prohibited list of properties.

4. 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 Registration Act were elaborately considered by the Full Bench of this Court in ***Vinjamuri Rajagopala Chary v. State of Andhra Pradesh***¹.

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.

6. 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.”

¹ 2016 (1) ALT 570 (F.B)

7. 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 invalid 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.

8. Thus, it is open to the petitioner to ventilate his grievance before the Committee and the Committee shall consider the request and take 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 needless to observe that decision taken by the Committee has to be informed to the registering authority.

9. Accordingly, the writ petition is disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE:30.8.2017
TVK

P NAVEEN RAO,J

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