

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8928 OF 2017

ORDER:

The case of the petitioners is that they acquired the ownership and possessory rights over the agriculture land to an extent of Ac.16.08 guntas in Survey No.45 of Aadibatla Village of Ibrahimpatnam Mandal, Ranga Reddy District by way of succession after the death of one Late Neerudu Rama Swamy who used to be the recognized protected tenant consequent to a notification issued by the State of Andhra Pradesh on 01.01.1973 under Section 38E(1) of the Andhra Pradesh (Telangana Area) Tenancy & Agricultural Lands Act, 1950 (for short 'the Act, 1950). In view of the Judgment in ***Syed Abdul Majeed and others v. Joint Collector-II, Ranga Reddy District; Gade Suresh v. Government of A.P., rep. by Land Reforms Tribunal, Asifabad, 1977(1) APLJ 112; P.Jagadishwaraiah v. the State of A.P.(1978 (1) APLJ 160 and in Raj Kishan Pershad and another v. Joint Collector, R.R.District (2001 (3) ALD 469***, the said Late Neerudu Rama Swamy enjoyed the subject property as an absolute owner and possessor and after his death since he died intestate the legal heirs made an application under Section 40 of the Act seeking the 4th respondent to record their names as successors-in-title of the Late Neerudu Rama Swamy, though it is supposed to be made under Section 4 of the A.P.Rights in Land and Pattadr Pass Books Act, 1971.

Petitioners were also issued pattadar pass book and title deeds. While so, when the petitioners approached the office of the Sub Registrar to dispose of the subject lands, they were told that the subject lands were included in the list prepared under Section 22A of the Registration Act. Thereafter, the petitioners made an application on 24.06.2016 before the 3rd respondent to rectify the wrong entries in the revenue records by deleting the subject property from the prohibited list and to issue No objection certificate. In pursuance to that application, the 3rd respondent ordered the 4th respondent to inquire into the matter and thereupon the 4th respondent by way of impugned order reported that the above property is a ceiling patta as the original landlord declared above property as his surplus land vide file No.CC.No.I/4208/1975. Learned counsel for the petitioners submits that by virtue of Judgment rendered by the Full Bench of this Court in ***Vinjamuri Rajagopalachary v. The Government of Andhra Pradesh (2016 91) ALT 550***, the 3rd respondent is obligated to consider the application of the petitioner for deletion of subject land from the prohibited list. As no action is being taken, present writ petition is filed.

Heard learned counsel for the petitioners.

Learned Assistant Government Pleader for Revenue submits that the District Collector who can take action for

deletion of the subject lands from the prohibited list as per the aforesaid Full Bench Judgment.

Learned counsel for the petitioners states that the petitioner will make necessary application to the District Collector by stating the aforesaid facts.

In view of the above it is open for the petitioners to make application before the 2nd respondent and on such application being made by the petitioners, the 2nd respondent is directed to dispose of the same in accordance with law, in view of the law laid down by the Full Bench of this Court in ***Vinjamuri Rajagopalachary v. The Government of Andhra Pradesh (2016 91) ALT 550.***

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

15.03.2017
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