

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 8877 OF 2017

ORDER:

This writ petition is filed seeking writ of mandamus declaring the action of the 2nd respondent in not taking any steps for deletion of the petitioner's land from the prohibited list of Annexure V as 'Dot land' in pursuance to the representation submitted by the petitioner dated 28.09.2016.

It is the case of the petitioner that she is the possessor and pattadar of the land admeasuring Acs.4.12 cents in S.No.401/3 of Dinne-devarapadu village, Kurnool Mandal & District. She purchased the said land from Sri T.Srinivasa Rao. When she presented the document for registration before the 3rd respondent, the same was refused on the ground that it is assigned/government land. Assailing the same, she filed W.P.No.17266 of 2012 before this Court, wherein the same was allowed by order dated 15.06.2012 as follows:

“a) it shall be open to the petitioner to submit a representation before the Tahsildar, Kurnool Mandal, Kothapeta, Kurnool, with a request to furnish the particulars of assignment of the land in Survey No.401/3 of Dinne-devarapadu Village, Kurnool Mandal, Kurnool District;

b) if the record discloses that the assignment was made prior to 1954, the petitioner shall be entitled to alienate the land, and the prohibition under the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 or the one, under Section 22-A of the Registration Act do not apply to the same;

c) if the concerned record is not available, the benefit of doubt shall be given to the petitioner, and the same result would ensue; and

d) the exercise indicated above shall be concluded within four (4) weeks from the date on which, the petitioner submit the representation.”

Pursuant to the said orders, the document registered in favour of the petitioner vide document No.6192/2016. That the title of the petitioner's land is traceable to registered documents

of the year 1943 vide document No.801/1943, document No.110/1987, document No.3284/1988 and document No.2557/2005, which shows that the subject land is patta land and sale deeds were entertained since 1943. It is stated that in spite of the aforesaid orders, the subject land is shown under prohibitory list for registration by showing the same as 'Dot land'. That mere dots in RSR would not confer any power on the authorities to keep the land under prohibitory list ignoring the absolute title and possession for considerable long period. It is stated that as per the Full Bench Judgment of this Court reported in 2016 (1) ALT 550 (FB) the District Collector is competent authority for addition and deletion of the properties in the prohibited list and that the petitioner also made representation on 28.09.2016 to the District Collector seeking deletion of subject land from the prohibitory list of annexure V. Basing on the representation of the petitioner, the District Collector vide proceedings in L.Dis.E2/Rev-ESECOLA S (NOC)/52/2016-JA(E)-COLLKRNL, dated 04.10.2016 directed the 4th respondent Tahsildar to submit report through RDO, for taking further action. The petitioner came to know that the 4th respondent has already submitted report duly stating that the subject land is a patta land and the same has to be deleted from the prohibited list. That even though Full Bench of this Court specifically directed that representations filed should be disposed of within 2 months, even after lapse of 6 months, the 2nd respondent is not considering the representations of the petitioner. Aggrieved by the same, present writ petition is filed.

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

As per the Full Bench Judgment of this Court 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 the competent authority in respect of properties covered by clauses (a) and (b) of Section 22-A (1) of Registration Act for sending the list of properties prohibited for registration and that he has power to add or delete the properties from the list of prohibited properties.

In view of the aforesaid facts and circumstances, the petitioner can make application stating the above facts before the 2nd respondent-District Collector and on such application being made by the petitioner, the 2nd respondent is directed to consider the same taking into account the report, if any, submitted by the revenue authorities in this regard, and take action, within a period of eight weeks from the date of filing application by the petitioner.

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.

A. RAJASHEKER REDDY, J

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¹ 2016 (1) ALT 550 (F.B)

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