

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9724 of 2017

ORDER:

The case of the petitioner is that he was allotted an extent of Ac.3-06 guntas in Sy.No.393/4 by Tahsildar, Armoor Taluka vide proceedings No.A3/9794/58, dated 17-12-1958 and as the extent of Ac.3-06 guntas assigned was found to be in excess of the prescribed limit, the Collector, Nizamabad after following due process of law, vide Proc.No.A7/7253/64-1, dated 16-10-1965 has passed orders pruning the extent to Ac.2-20 guntas in Sy.No.393/4 situated at Armoor Village and Mandal of Nizamabad District with a direction to pay the upset price as fixed under Nizamsagar Laoni Rules and since then, the petitioner was in possession and enjoyment of the land. The petitioner came to know that subject lands were included in the prohibited list under Section 22-A of the Registration Act, 1908 (for short "the Act") filed representation before the 3rd respondent for deletion of the same by relying on the judgment of this Court in WP.No.6799 of 1988 dated 09-08-1996, wherein it is held that assignment granted under Nizamsagar Laoni Rules, there is no prohibition for alienation of the lands allotted under said rules. The petitioner also brought to the notice of the 3rd respondent about G.O.Ms.No.140, dated 25-07-1958 and wherein, it is clarified that the rules of Revised Policy of Assignment shall not apply to the assignment of Project

Affected Lands. As no action has been taken for deletion of the subject land of Ac.2-20 guntas in Sy.No.393/4 situated at Armoor Village and Mandal of Nizamabad District, the present writ petition is filed.

Heard both sides.

The Full Bench of this Court in the judgment of **Vinjamuri Rajagopala Chary v. Principal Secretary, Revenue Department, Hyderabad**¹ (W.A.No.343 of 2015 and Batch dated 23-12-2015) held that the Collector is the competent authority in respect of addition and deletion of the properties in the list prepared under Section 22-A (a) (b) of the Act. Since the petitioner has already made representation to the 3rd respondent, it is for the 3rd respondent to consider the representation of the petitioner.

In view of the same, the 3rd respondent is directed to dispose of the representation of the petitioner by taking into consideration above facts and circumstances of the case and also by following full Bench judgment as stated above and pass orders in accordance with law within a period of three months from the date of receipt of a copy of this order.

Accordingly, this writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

21-03-2017
Nvl

¹ 2016(1) ALT 550 (F.B.)



2016(1) ALT 550 FB

