

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9278 of 2017

ORDER:

The case of the petitioners is that the grandfather of 2nd petitioner has purchased an extent of land Ac.1.80 cents in RS.No.80/4 of Munagapadu Village, G-Konduru Mandal by way of registered sale deed dated 14.12.1929 and thereafter when the then Tahasildar, Vijayawada had issued a notice dated 10.10.1973, under Section 7 of Madras Act 3 of 1905 treating the petitioners as land encroachers, the 2nd petitioner's junior paternal uncle D.Jagannadha Rao, who is the brother of 1st petitioner, along with his sister has filed a suit in OS.No.722 of 1974 and the same was decreed on 27.03.1978. Against the said decree the respondents filed appeal in AS.No.59/1978 and the same was also dismissed and became final as nobody has challenged the same. In the year 2010 the petitioners were also issued pattadar pass books and title deeds. Thereafter, the aforesaid land of Ac.1.80 cents was divided into three shares among the sharers. As per said partition, one share fell to the share of 2nd petitioner's uncle D.Jagannadha Rao and two shares fell to the share of 2nd petitioner and his father respectively. After death of 2nd petitioner's father his share in an extent of Ac.0.58 cents fell to 2nd petitioner's share among his brothers in the partition. Since then they have been enjoying the same without any interruption. The grievance of the petitioners is that in the revenue records still the subject land

was shown as Gramakhantam and that after noticing the same, petitioners have represented to the authorities to change the classification on several occasions by furnishing the copies of decree and Judgment in OS.No.722/1974 and AS.No.59/1978. Even then, the respondents failed to carry the corrections and failed to change the type of classification. The petitioners also made representation to the 5th respondent for change of classification of the subject land. But, till today no action has been taken by the 5th respondent. Meanwhile the 5th respondent has intimated the petitioners that the subject lands cannot be registered as the 2nd respondent issued proceedings prohibiting the subject land from registration. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioners.

Learned Assistant Government Pleader for Revenue submits that in similar circumstances this Court in ***Vinjamuri Rajagopalachary v. The Government of Andhra Pradesh reported in 2016 (1) ALT 550***, held that the District Collector is the competent authority who can include or exclude the properties from the list of prohibited properties prepared under Section 22 A (1)(a) of the Registration Act, 1908. The same is not disputed by the learned counsel for the petitioners.

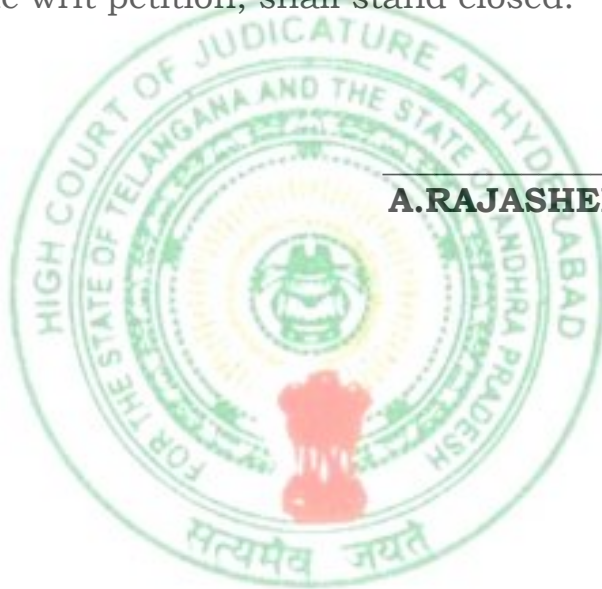
In view of the aforesaid facts and circumstances, it is open for the petitioners to make application by stating the above facts along with documents before the 2nd respondent and on such

application being made by the petitioners the 2nd respondent is directed to consider the same and pass orders in terms of the aforesaid full bench Judgment and take further action within a period of two months from the date of making application by the petitioners.

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

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

30.03.2017
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A.RAJASHEKER REDDY, J