

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3383 of 2017

ORDER:

The case of the petitioner is that she purchased a residential flat No.401, admeasuring 1755 Sq.Ft. in DNR Plaza, situated in Survey No.2388 and 573 of Moolasagaram, Nandyal town from one P.Tejavardhan Reddy who is the owner and possessor of the property to an extent of land Ac.18.60 cents out of Ac.25.209 cents out of total land admeasuring 0.72 acres in Survey No.2388, admeasuring 0.72 cents of Moolasagaram Village of Nandyal Mandal, Kurnool District which is patta land. While so, when petitioner approached the 5th respondent to know the market value of the aforestated flat purchased by him by way of Agreement of sale dated 4.08.2016, the 5th respondent informed that the said flat cannot be registered as one of the Survey Number i.e. 2388 which is forming part of the residential complex, is shown in the prohibitory list as 'B Class Poramboku'. The petitioner was issued proceedings No.Rc.E2/2312/2013, dated 14.04.2016 wherein the subject property is shown in the list of prohibited properties. Aggrieved by the same, present writ petition is filed.

Learned Counsel for the petitioner submits that when RDO has already submitted report to the Collector stating that the subject property is a 'patta land' and was sold in

public auction, as such the same has to be denotified from the list of prohibited properties under Section 21 A of the Act. He also submits that registered transaction were noted since 1929 in respect of the subject land, as such, the same may be treated as patta land, inspite of the same, the 3rd respondent has not taken any action and the 5th respondent refused to register the same.

Heard learned Assistant Government Pleader for Revenue.

As per the Full Bench Judgment of this Court in ***Vinjamuri Rajagopalachary and others v. The State of A.P., represented by Principal Secretary, Revenue Department, Hyderabad and others***¹ the District Collector is the competent authority in respect of properties cover by clauses (a) and (b) of section 22 A (1) of Registration Act for sending the list of properties prohibited for registration.

In view of the aforesaid fact and circumstances, the petitioner can make application stating the above facts before the 3rd respondent and on such application being made by the petitioner, the 3rd respondent is directed to consider the same taking into account the report submitted by the RDO, Nadyal in proceedings No.Rc.B 5532/2016, dated 16.09.2016, and take action, within a period of eight weeks from the date of filing application by the petitioner.

¹ 2016 (1) ALT 550 (F.B)

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

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

16.02.2017
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