

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.11231 OF 2017

ORDER:

The case of the petitioner is that he is the Managing Partner of M/s.Mahalakshmi Petro Products, Jalaiah Nagaram Atmakur Bit-III, Atmakur Mandal purchased the land admeasuring Ac.1-53 ¼ cents in Sy.No.220/3-1A and 220/3-1B and 221 through registered sale deed bearing doc.No.848/2003, dated 02-07-2003 and he also purchased another extent of land admeasuring Ac.4-89 ¾ cents in Sy.Nos.220/3-1A, 220/3-1B and 221 of Atmakur Village and Mandal, SPSR Nellore District through registered sale deed bearing document No.865/2003, dated 07-07-2003. When he proposed to utilize the above land for storage and refilling the gas cylinders, he submitted application for issuance of “No Objection Certificate” (NOC) before the R.D.O.Nellore. During said process, the Sub-Registrar, Atmakur sent a letter to the R.D.O., vide letter dated 23-06-2009 informing that the Sy.No.220/3 admeasuring Ac.7-24 cents was shown as Rastha Poromboke and got instructions from the R.D.O., Nellore and the Tahsildar, Atmakur gave clarification to the R.D.O., Nellore vide Rc.B.78/2010, dated 04-03-2010 stating that as per the Diglot Sy.No.22/2 admeasuring Ac.0-74 cents is classified as Rastha Poromboke but not Sy.No.220/3 and that the then Tahsildar sent both the survey numbers as “Rastha Poromboke” due to oversight. Basing on the said

clarification, the District Collector vide his letter dated 23-09-2010 bearing Rc.E1/6189/2010 addressed to the R.D.O., Nellore to take necessary action for issuance of NOC. Pursuant to the said letter of the District Collector, the NOC was issued and said land is being utilized for storage and refilling the gas cylinders. It is further stated that after issuing NOC, the District Collector issued proceedings showing the subject land Ac.7-74 cents in Sy.No.220/3 as Rastha Poromboke in the prohibited list of properties which was addressed to the District Registrar, Nellore through letter Rc.E1/395/2016, dated 29-06-2016. Aggrieved by the same, the petitioner made representation to the Tahsildar for deletion of the same. As no action has been taken, the present writ petition is filed.

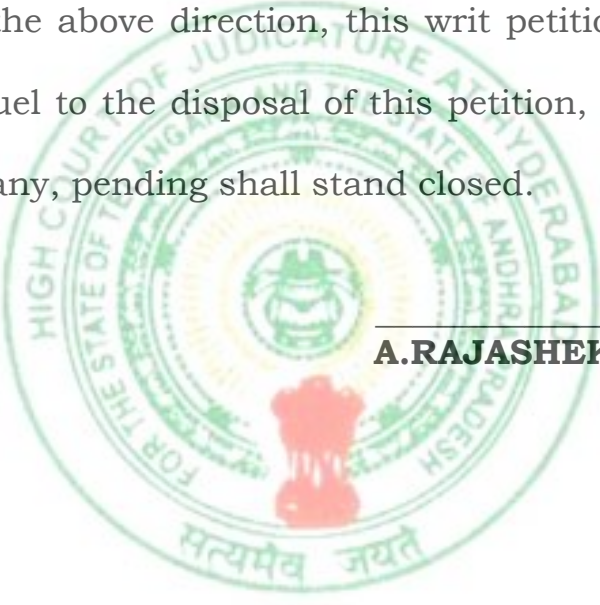
Learned Assistant Government Pleader for Revenue submits that as per Full Bench Judgment of this Court in **Vinjamuri Rajagopala Chary v. Principal Secretary, Revenue Department, Hyderabad**¹ (W.A.No.343 of 2015 and Batch dated 23-12-2015), the Collector is the competent authority in respect of addition and deletion of the properties in the list prepared under Section 22-A (a) (b) of the Registration Act.

Learned counsel for the petitioner submits that the petitioner will make necessary application to the 2nd respondent.

¹ 2016(1) ALT 550 (F.B.)

In view of above facts and circumstances of the case, it is open for the petitioner to make necessary application to the 2nd respondent by stating above facts with relevant documents. On such application, the 2nd respondent shall consider the same in terms of Full Bench Judgment of this Court in **Vinjamuri Rajagopalachary** cited supra and dispose of the same and thereafter take necessary action within a period of eight weeks from the date of making such application by the petitioner.

With the above direction, 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

30-03-2017
Nvl

