

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.2815 of 2015

ORDER :

Heard the counsel for petitioners, and the learned Government Pleader for Revenue, for respondents.

2. The petitioners are aggrieved by the action of 2nd respondent in including the subject property in the list of prohibited list of properties communicated by him to the registering authorities.

3. According to petitioners, the Commissioner, Appeals, Office of the Chief Commissioner of Land Administration, Andhra Pradesh at Hyderabad, in proceedings CCLA's Ref.No.P3/1315/99 dt.15.07.2000 (filed by the then Mandal Revenue Officer, Tirupathi Rural Mandal, Tirupati), categorically held that the subject land is *Ryoti* in nature; and that no Government interests were involved in the said land.

4. Though the matter has been filed in February, 2015, no counter-affidavit has been filed till date by respondents.

5. It is not stated by respondents that the order dt.15.07.2000, referred to above, of the Commissioner, Appeals, has been set aside in any proceeding.

6. Therefore, the respondents have no right to say that there is a settlement case pending in respect of the subject land and stop it from being alienated by instructing the registering authorities.

7. Accordingly, the Writ Petition is allowed. The action of respondent nos.1 to 4 in circulating the list prepared by the 4th respondent to the registering authorities indicating that the subject land cannot be registered under Section 22-A of the Indian Registration Act, 1908 on the ground that a settlement case is pending is declared as illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India. The 2nd respondent is forthwith directed to delete the same from the said prohibitory list, and communicate it to the registering authorities, and it is declared that the subject land is *Ryoti* land and not Government land.

8. The 1st respondent shall also pay costs of Rs.5,000/- to the petitioners.

9. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 15-12-2017

Ndr/*