

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.13626 OF 2017

ORDER:

It is the case of the petitioner that an extent of Ac.2.50 cents covered by Sy.No.297/1 (for short 'the subject property') of Thammavaram Village was assigned to one D.M.Narayana Rao considering that he is a political sufferer through Patta dated 10.03.1970. Petitioner purchased the subject property vide registered sale deed dated 01.06.1982 from said D.M.Narayana Rao. While so, the 5th respondent without any notice passed an order vide proceedings in B/236/1996, dated 24.08.2007 stating that the sale of subject land is in contravention of Section 3(1) of the A.P. Assigned Land (Prohibition of Transfer) Act, 1977. Aggrieved by the same, petitioner preferred appeal before the Revenue Divisional Officer-4th respondent, who in turn dismissed the said appeal on 25.06.2008 without considering the contentions raised by the petitioner. Aggrieved by the same, the petitioner preferred appeal before the 3rd respondent-Joint Collector, who remanded the matter to the 5th respondent to enquire the matter afresh and pass appropriate orders by his proceedings dated 13.01.2012. When the 5th respondent is not considering the case of the petitioner, she filed WP No.27652 of 2014 seeking direction to the 5th respondent to conduct enquiry and pass appropriate orders. That during pendency of the said writ petition, 5th respondent conducted enquiry and passed orders vide Ref.B/236/1996, dated 14.12.2015, as such, WP No.27652 of 2014 was dismissed as infructuous. That the 5th respondent after

conducting an enquiry, passed detailed orders vide Ref.B/236/1996, dated 14.02.2015 stating that the assignment made in the name of Sri D.M.Narayana Rao in respect of subject property on 10.03.1970 is an assignment under political suffers quota and the sale deed dated 01.06.1982 executed by D.M.Narayana Rao, after lapse of ten years in favour of the petitioner is valid and it is not in contravention of the provisions under Section 3(1) of the Act 9/1977 and that the petitioner is rightful owner in respect of subject property and that she is at liberty to alienate the said land to third parties. When the petitioner approached the 6th respondent-Sub-Registrar to dispose of the subject property, she was informed that the subject property was mentioned in the list of prohibited properties under Section 22-A of the Registration Act, 1908. Aggrieved by the action of the 6th respondent, present writ petition is filed.

Heard Sri B.V.Rama Rao, learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

Learned Assistant Government Pleader for Revenue, on instructions submits that the petitioner has to make necessary application to the District Collector for deletion of the subject property from the list of prohibited properties under Section 22-A of the Registration Act, 1908.

Learned counsel for the petitioner submits that petitioner shall make necessary application by stating above facts before the District Collector.

In view of above facts and circumstances, it goes without saying that the 2nd respondent-District Collector, shall take into

consideration of the fact that the Tahsildar had already conducted an enquiry, basing on the directions of the Joint Collector and concluded the proceedings stating that the subject property was assigned to D.M.Narayana Rao under political sufferers quota and that after lapse of ten years of such assignment, the sale of such land is valid, as such, the subject property cannot be included in list of prohibited properties under Section 22-A of the Registration Act.

In view of the same, this writ petition is disposed of granting liberty to the petitioner to make an application to the 2nd respondent-District Collector by stating the above facts along with all relevant documents in support of her claim. On such application, the 2nd respondent-District Collector is directed to dispose of the same, keeping in view the Full Bench Judgment reported in **Vinjamuri Rajagopala Chary and others v. Principal Secretary, Revenue Department, Hyderabad and others**¹, and pass appropriate orders in accordance with law.

There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

18.04.2017
kvs

¹ 2016 (1) ALT 550 (FB)

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