

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NOs.27950 & 27951 OF 2017

Date: 22.08.2017

WP No.27950 OF 2017:

Between:

Mitta Rama Subbaiah, s/o. Subbarayudu,
Aged about 74 years, r/o. H.No.11/88,
Rangasamudram village, Porumamilla Mandal,
YSR Kadapa District.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its
Principal Secretary, Revenue Department,
AP Secretariat, Velagapudi, Vijayawada,
Krishna district.

.....Respondents



The Court made the following:

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COMMON ORDER:

Petitioner claims that he is the pattadar of Ac.4.75 cents in Sy.No.198/2 of Rangasamudram village, Porumamilla Mandal, YSR Kadapa district. Petitioner claims that he could not cultivate the land and could not pay the land revenue for several years. According to the petitioner, Government took possession of the land and assigned the said land to him on 13.11.1973. Thereafter, petitioner claims continuous possession and enjoyment of the said property. Earlier petitioner filed W.P.No.10578 of 2017 alleging inaction in receiving the document presented by the petitioner for registration and the Court directed to receive and process the document. Petitioner sold the property and accordingly presented the document of sale for registration to the Sub-Registrar. The Sub-Registrar issued refusal intimation on 02.06.2017, impugned in this writ petition, rejecting the document for registration on the ground that in the list of properties furnished by the revenue authorities, the property is shown as assigned land and included in the list of assigned land falling under clause (a) of Section 22-A(1) of the Registration Act, 1908 (Act, 1908) read with Section 5 of A.P.Assigned Lands (PoT) Act, 1977.

2. Against the order of refusal by the Sub-Registrar, appeal lies under Section 72 of the Act, 1908 before the District Registrar. Petitioner has not availed the remedy of appeal. Petitioner sought to contend that land is private patta land and, therefore, refusal is illegal and that petitioner is in possession of the land for

over 40 years and, therefore, prohibition of alienation does not arise. These are the questions of fact which petitioner has to agitate before the appropriate authority.

3. With reference to the scope of Section 22-A and the remedies that can be availed by the aggrieved person against the classification of land as prohibited property, Full Bench of this Court in **Vinjamuri Rajagopala Chary and Ors. v. Principal Secretary, Revenue Department, Hyderabad and others**¹ (W.A.Nos.343 of 2015, 232 of 2012 and 352 of 2013), has given detailed directions. In terms thereof, if petitioner is aggrieved, he should avail appropriate remedy. This Court is not inclined to entertain the writ petitions as petitioner has alternative and efficacious remedy as provided under Section 72 of the Act, 1908 against order of refusal by the Sub-Registrar or/and to avail remedy in accordance with the directions issued by the Full Bench of this Court in the above decision against inclusion in prohibited list. Writ petitions are dismissed, leaving it open to the petitioner to work out his remedies as available in law.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date: 22.08.2017
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¹ 2016(1) ALT 550

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