

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.11128 of 2017

ORDER:

The case of the petitioner is that he is the owners of the land admeasuring Ac.5-34 cents in Sy.No.188/1 (Old Sy.No.231/B) and an extent of Ac.2.42 cents in Survey No.188/3 (Old Survey No.231/B), situated at Nadupuru Village, Pedagantyada Mandal, Visakhapatnam District having inherited from his ancestors. The authorities have recorded the said land as Zeroyathi land in Survey and Settlement Register where as the copy of the FLR issued by the Head Draughtsman, Central Survey Office, Hyderabad shows that it is a patta land. While so, when the petitioner approached the Sub-Registrar Office for alienation of the subject land, he came to know that the subject lands are included in the list of prohibited properties and made a representation to the 3rd respondent who inturn sought remarks from the 4th respondent. The 4th respondent sent his remarks to the 3rd respondent duly recommending to delete the subject lands from the list of prohibited properties. But the 3rd respondent having obtained report from the 4th respondent passed the impugned order and rejected to delete the petitioner's lands from the list of prohibited properties. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that respondent authorities have granted DKT patta in respect of the Zeroithy

lands which has to be corrected and accordingly the 4th respondent submitted a report recommending for rectification of survey errors and for deletion of the subject lands from the list of prohibited properties for registration. But the 3rd respondent without considering the same rejected the proposal of the 4th respondent.

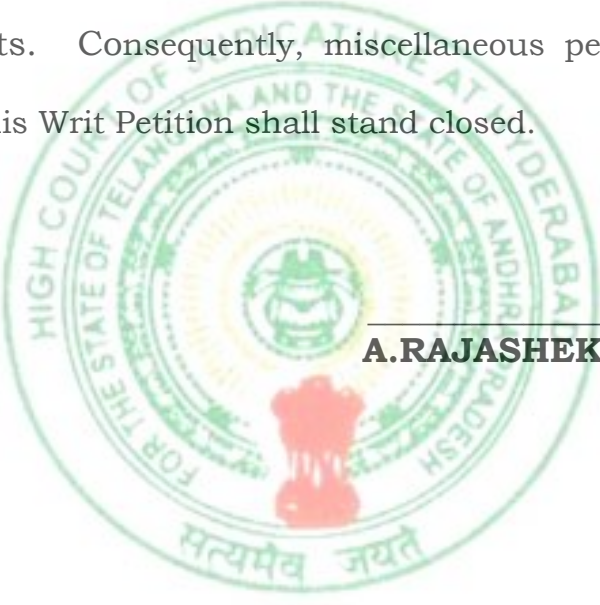
On the other hand, learned Assistant Government Pleader for Revenue produced written instructions stating that subject lands are assigned lands and are included in the list of prohibited properties under Section 22-A (1)(b) of the Registration Act, 1908 (for short 'the Act'). As such, neither the 3rd respondent nor 4th respondent has power to delete the same from the list of prohibited properties. If petitioner has any grievance regarding the same, he has to approach the 2nd respondent, who is the competent authority for deletion of the subject lands from the list of prohibited properties as per the Full Bench judgment reported in ***Vinjamuri Rajagopala Chary vs. State of Andhra Pradesh and others***¹.

In this case, it has to be seen that though the 4th respondent recommended for rectification of survey errors and for deletion of subject lands from the list of prohibited properties, the 3rd respondent rejected the said proposal. As per the Full Bench judgment stated supra, the District Collector-2nd respondent is the competent authority to include or exclude the properties from the list of prohibited properties issued under Section 22-A of the Act.

¹ 2016 (2) ALD 236

In view of the same, it is open for the petitioner to make an application to the 2nd respondent stating the above facts along with necessary documents and on such application, the 2nd respondent is directed to dispose of the same in terms of the Full Bench judgment reported in ***Vinjamuri Rajagopala Chary vs. State of Andhra Pradesh and others***² within a period of three (03) months from the date of receipt of copy of this order.

With the above direction, the writ petition is disposed of. No costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.



A.RAJASHEKER REDDY,J

04.04.2017
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² 2016 (2) ALD 236