

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.99 OF 2018

ORDER:

The petitioners state that the land admeasuring Acs.4.00 cents situated in Survey No.3 (old) (New Survey No.495/4) of Avilala Village, Tirupathi Rural Mandal, Chittoor District, was given as inam patta to their paternal grandfather, who was in absolute possession and enjoyment of the same, in which, he was doing agricultural operations and was eking out his livelihood. Subsequently, their father succeeded the said property and sold away an extent of Acs.2.70 cents along with his sons to one Smt Guramma vide registered sale deed. Out of the said land, she executed a Will dated 24.08.1976, bequeathing an extent of Acs.0.50 cents to the third petitioner and the children of the said Smt Guramma also executed a sale deed dated 24.11.1993 in favour of the petitioners 1 and 2 alienating the remaining land. They approached the fourth respondent for registration of the said lands and when the fourth respondent refused to register the same on the ground that the said lands are included in the prohibition list, they filed the present writ petition.

This Court in **Vinjamuri Rajagopala Chary and Others vs. State of A.P.**,¹ considered the said issue and held as follows:

35.1 Further, as noticed earlier the State Government is empowered either suo motu or on application to consider the grievances against inclusion of any property in the prohibitory list under Section 22-A of Registration Act and is also empowered to de-notify either in full or in part the notification issued under sub-section (2). In our opinion, the redressal mechanism is available only with respect to notifications published relating to the properties falling under clause (e) of Section 22-A. Hence, any grievance of the parties with reference to the properties covered by clauses (a) to (d) will have to be questioned by the aggrieved parties only by appropriate proceedings before a competent Court and the adjudication by such Court would be final. Further, so far as notified properties falling under clause (e) are concerned, the redressal mechanism under sub-section (4) of

¹ 2016 (2) ALD 236 (FB) = 2016 (1) ALT 550 (FB)

Section 22-A would be able to effectively address the grievance provided the mechanism thereunder is effective, expeditious, fair, and judicious. Thus, in order to make an effective redressal mechanism, we deem it appropriate to direct the respective Governments of both the States to constitute a Committee or establish a Forum within time frame, may be comprising of Principal Secretary of Revenue, Director of Survey and Land Records and a retired Judicial Officer of the rank of a District Judge which shall meet periodically to consider the grievances of the persons affected by the notifications. The Committee shall be empowered to examine relevant records and then pass a reasoned order either accepting or rejecting the grievance by either confirming/deleting/modifying any such property from the notified list of properties. In our view, such orders passed by the Committee shall be binding on the State as well as on the aggrieved person and in the event of any of them being aggrieved thereby, they shall have to approach a competent Court of Law for redressal of their grievance.

In view of the same, the petitioners are given liberty to approach the said Grievance Redressal Committee for appropriate relief by making proper application. At this stage, learned counsel for the petitioners submitted that the Grievance Redressal Committee **was** not constituted and there is no one to redress the grievance of the petitioners. If no Grievance Redressal Committee is constituted as directed by this Court, the petitioners are given liberty to submit proper representation to the second respondent, within a period of two weeks from the date of receipt of a copy of this order and the second respondent is directed to pass appropriate orders on the grievance expressed by the petitioners, within a period of four weeks thereafter.

The writ petition is accordingly disposed of. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

25.01.2018
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