

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.472 OF 2018

ORDER:

The petitioner states that he has land in Survey No.400/2A for an extent of Acs.16.31 cents situated at Allagadda Village and Mandal, Kurnool District. The said land was purchased by his parents through registered sale deeds and they have been in possession of the said land. Prior to their purchase, the predecessors are in possession and enjoyment of the said lands and that the said lands are purely private patta lands. The name of the petitioner was mutated in the revenue records and he got the pattadar pass books and title deeds.

The petitioner further states that his mother is a third party to the proceedings in C.C.No.2508/ALG/75 relating to the declarant proceedings in C.C.No.3208/ALG/75 on the file of the second respondent. His mother filed Appeal under Section 20(3) of the A.P.Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, aggrieved by the endorsement dated 28.03.1990 of the Additional Revenue Divisional Officer, Land Reforms, Kurnool (Primary Tribunal) rejecting her claim in respect of an extent of Acs.5.80 cents in Survey No.400/2A of Allagadda and the said Appeal was allowed on 03.01.1992 by setting aside the endorsement of the Primary Tribunal dated 28.03.1990 on the claim petition for the appellant and directing the Primary Tribunal to dispose of the appellant's claim on its merits in the light of the observations made in the order. Till date, the Primary Tribunal did not pass any orders as directed by the Appellate Tribunal. While so, in order to sell the land, the petitioner approached the fifth respondent seeking to furnish Market Value Certificate to pay necessary registration charges along with the Sale Deed and the fifth respondent refused to receive the documents on the ground that the subject land was classified as 'ceiling land'. An application was filed before

the District Collector and pursuant to the same, the District Collector called for a report from the Revenue Divisional Officer and the Revenue Divisional Officer, in turn, sought a report from the Tahsildar and the Tahsildar submitted his report on 21.06.2013. Even after submission of the report by the Tahsildar, again another report is called by the Revenue Divisional Officer and when no action was taken, the present writ petition is filed.

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 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,

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

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 pendency of the application before the District Collector, the District Collector is directed to consider the same and pass appropriate orders in accordance with law in the light of the Judgment referred above, within a period of three months from the date of receipt of copy of this order.

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.

29.01.2018
pln



A.RAMALINGESWARA RAO, J