

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.902 of 2018

Order:

The first petitioner purchased the dry agricultural land admeasuring Ac.2-00, situated in Survey No.431 of Velugumatla village, Khammam Urban Mandal, Khammam District, under a sale deed dated 20.12.1977. Since then he has been in possession and enjoyment of the said land by cultivating the same and by paying cist. His name was mutated in the revenue records. On the application made by the first petitioner under the A.P. (Telangana Area) Inams Act, 1955, the third respondent granted Occupancy Right Certificate (ORC) on 02.01.2001 declaring him as the successor in interest of the Inamdar by virtue of sale deed. The pattadar passbooks and title deeds were also issued in his favour in respect of the said land. Subsequently, from out of the said extent of Ac.2-00 of land, the first petitioner sold Ac.1-00 of land in the said survey number to the second petitioner under a registered sale deed dated 12.06.2001 and since then the second petitioner has been in possession and enjoyment of the said Ac.1-00 of land. When the second petitioner intended to sell his Ac.1-00 of land to third parties, the fifth respondent did not receive the document on the ground that the said land was included in the prohibitory order book, therefore no registration in respect of the said land can be entertained. In those circumstances, the second petitioner filed W.P.No.10248 of 2014 and this Court disposed of the said writ petition directing the fifth respondent to receive and process the document presented by the second petitioner. While so, in view of the decision taken by the first respondent to conduct survey of all the lands in the State and prepare records, the petitioners approached the fourth

respondent seeking to conduct survey of their lands admeasuring Ac.2-00 in Survey No.431 of Velugumatla village, but the fourth respondent rejected their request on the ground that the said lands were included in the prohibitory order book. Challenging the action of the respondents in including the lands of the petitioners in the prohibitory order book without issuing any notice as illegal and arbitrary, they filed the present Writ Petition

This Court in Vinjamuri Rajagopala Chary v. 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, 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.

¹ 2016 (1) ALT 550 (FB)

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

Date: 23.01.2018
Nsr