

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.1339 of 2018

ORDER:

The petitioner states that he is a permanent resident of Visakhapatnam and doing real estate business. He along with another partner entered into an agreement of sale-cum-General Power of Attorney with one Smt. Rameswarapu Parvathi of Vijayawada, in respect of land of an extent of Ac.6.54 cents in Survey No.10 situated in Kanimetta Village, Poosapatirega Mandal, Vizianagaram District, and the said document was registered. The title of the vendor was reflected in the revenue records. When the petitioner wanted to hold the entire property by purchasing share of another partner, a sale deed was executed by the partner in his favour, which was submitted for registration on 22.09.2015. The said document bearing No.116 of 2015 was kept pending for registration on the ground that the property was included in the list of prohibited lands under Section 22-A of the Stamps and Registration Act and the petitioner was directed to obtain certificate from the concerned authorities.

2. The petitioner states that the said property should not have been included in the list of prohibited lands. However, challenging the notice of the fifth respondent, he filed W.P.No.34400 of 2015 before this Court and this Court by an order dated 26.10.2015 directed the fifth respondent not to reject the pending document, until further orders. In spite of the said order, he passed an endorsement on 28.10.2015 rejecting the document. Challenging the same, the petitioner filed another W.P.No.37334 of 2015 and the same is pending.

3. The petitioner states that the said land is neither a Government nor an assigned land and he submitted a representation to respondents 2 to 4 on 15.11.2017 and when no action was taken, the present Writ Petition is filed.

4. A perusal of the representation dated 15.11.2017 shows that it was addressed to the Tahsildar, fourth respondent, to delete the said land from the list of prohibited lands. The petitioner also marked a copy of the said representation to respondents 2 and 3.

5. This Court in **Vinjamuri Rajagopala Chary and Ors. v Principal Secretary, Revenue Department, Hyderabad and Ors**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

¹ 2016 (1) ALT 550 (FB)

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.

6. In view of the same, the petitioner is given liberty to approach the said grievance redressal committee for appropriate relief by making proper application. At this stage, learned counsel for the petitioner submitted that the grievance redressal committee was not constituted and there is no one to redress the grievance of the petitioner. If no grievance redressal committee is constituted as directed by this Court, the petitioner is 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 petitioner, within a period of four weeks thereafter.

7. 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

JANUARY 19, 2018
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Date: 19.01.2018

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