

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.2120 of 2018

ORDER:

The petitioner purchased agricultural dry land admeasuring Acs.4.60 cents in R.S.No.2/1, land admeasuring Acs.4.84 cents in R.S.No.1/1 total admeasuring Acs.9.44 cents of Chintampalli Village, Chintalapudi Mandal. The said land was purchased in an open auction conducted by the Co-operative Central Bank Eluru PACS Seethanagaram in E.P.Nos.932 and 933 of 1988-89 and sale certificates dated 21.03.1990 were also issued. Since then the petitioner is in possession of the said property and pattadar pass books and title deeds were also issued to him. But, his name was not entered in the online record maintained by the Revenue Department. During his family settlements, the petitioner retained an extent of Acs.3.74 cents in R.S.No.1/1 and Acs.3.69 cents in R.S.No.2/1 of Chintampalli Village. The petitioner was orally informed that his land is included in the prohibited properties list and as such online entries shall not be made in respect of his land. The grievance of the petitioner in this Writ Petition is that as the petitioner purchased the property through open auction conducted by the Cooperative Society, the prohibition contained in the A.P.Assigned Lands (Prohibition of Transfers) Act will not apply to his land and as such his land should not be included in the prohibitory list.

This Court in **Vinjamuri Rajagopala Chary v. State of**

A.P¹ 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.”

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 submits 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

¹ 2016 (1) ALT 550 (FB)

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.

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.

25.01.2018
vs

(A.RAMALINGESWARA RAO, J)

