

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.14459 of 2017

Order:

The petitioner states that his forefathers were in possession and enjoyment of the agricultural dry land admeasuring Ac.4-15 gts., situated in Survey No.147 of Yellareddyguda village, the then Keesara Mandal, Medchal-Malkajgiri District prior to independence to Hyderabad, which was under the ruling of Nizam. Subsequently, after the Government came to ruling, the name of his father was mutated in the Khasra Pahani for the year 1954-55. After the death of his father, the petitioner has been in possession and enjoyment of the said land. The petitioner's ancestors were also in possession and enjoyment of the adjacent land of an extent of Ac.5-31 gts., situated in Survey No.148 of the same village. The petitioner states that though the revenue authorities allowed him to enjoy the land in Survey No.148, but they refused him to enjoy the land in Survey No.147 stating that the said land was recorded in the revenue records as Government land and classified as "Devuni Cheruvu Shikam". Then, the petitioner submitted a representation dated 19.05.2016 requesting the respondents to delete the land in Survey No.147 from the prohibitory list and when no action was taken, he 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

¹ 2016 (1) ALT 550 (FB)

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.

Since the petitioner already submitted a representation on 19.05.2016 for deletion of the land in Survey No.147 from the prohibitory list and the same is pending consideration, the second respondent is directed to consider the same and pass appropriate orders in accordance with law within a period of three (3) months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 23.02.2018
Nsr