

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.3829 OF 2018

ORDER:

The petitioners state that the lands of an extent of Acs.1.36 cents in Survey No.2284/1 and Acs.0.50 cents in Survey No.2283/6 were originally Government lands and in the year 1937, the said lands were assigned in favour of one G.Nabi Saheb. The said Nabi Saheb sold away the said lands to one K.Sabjan on 26.10.1978 under registered sale deed and the said K.Sabjan also sold away the said lands on 19.04.2011 under registered sale deed to the first petitioner. The first petitioner also purchased the land of an extent of Acs.0.88½ cents in Survey Nos.2284/1B, 2283/6B and 2285/2B. The petitioners also purchased an extent of Acs.2.43 cents in Survey No.2283/4 under registered sale deeds and from the date of purchase, they have been in possession and enjoyment of the said lands. They also purchased the land of an extent of Acs.1.18 cents in Survey No.1589/2 under registered sale deed, dated 08.04.2011. While so, the second respondent without any basis, included the said lands in Prohibitory List. The petitioners submitted an application to the third respondent on 17.11.2017 for deleting the said lands from the Prohibitory List and when the third respondent is not taking any action on their application, 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

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

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 application of the petitioners is now pending with the third respondent, the third respondent shall consider the same and pass appropriate orders thereon 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. Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

07.02.2018
pln