

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.3860 OF 2018

ORDER:

The petitioner Cooperative Bank states that G.Venkateswarlu was the original owner and possessor of the house building in Survey No.208/A, Ward No.9, D.No.885, of an extent of 726 square feet, situated behind Post Office, Yaddulapalli Road, Gooty R.S., Gooty Mandal, Ananthapur District. The said property was purchased by one G.Prakashamma, W/o G.Muthaiah @ Venkata Godu vide registered sale deed bearing document No.1377/1976. Subsequently, the said G.Prakashamma gifted the said property to her son, G.Narayana vide registered gift deed. The said G.Narayana approached the petitioner Cooperative Bank seeking loan and the petitioner Cooperative Bank sanctioned the mortgage loan for an amount of Rs.4,50,000/- on 31.05.2010 and G.Narayana did not repay the said loan. The petitioner Cooperative Bank filed D.Dis.MC1/FTS-5745/2015, on 27.07.2015 before the second respondent seeking to obtain possession of the secured asset and the second respondent passed an order in favour of the petitioner Cooperative Bank on 11.08.2015 and the said asset was handed over to the petitioner Cooperative Bank by the third respondent. While so, the petitioner Cooperative Bank intended to sell the said property and approached the fifth respondent and when the fifth respondent insisted for production of 'No Objection Certificate' from the Revenue Authorities. The petitioner Cooperative Bank approached the third respondent seeking 'No Objection Certificate' and the third respondent issued a reply vide Rc.No.714/2014, dated 20.12.2017, stating that the subject house property was included in Prohibitory List under Section 22(a) of the Registration Act. Challenging the same, 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 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.

Now, it is stated that a Committee is constituted for dealing with the issues relating to deletion of properties which were included under Section 22(1) of the Registration Act and in view of the same, the petitioner is given liberty to submit an appropriate representation to the said

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

Committee for deletion of the above property under Section 22(1) of the Act. As and when such representation is filed, the Committee shall consider the same and pass appropriate orders thereon within a period of three (3) months from the date of filing such representation.

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
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