

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.4088 of 2018

Order:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

The petitioner states that originally the land of an extent of Ac.1-75 cents in D.No.265/B2 and Ac.0-84 cents in D.No.265/B3, situated at Namburu village, Pedakakani Mandal, Guntur District was the ancestral property of his maternal great grand father namely Dasari Premanandam. Since he had no male issues, he executed a Will Deed in respect of the said property in favour of Kancharla Babu and Kancharla Bhaskara Rao, maternal grand fathers of the petitioner. Thereafter, they orally partitioned the said property into two equal shares and enjoying the same. The petitioner states that Kancharla Babu executed a gift deed in his favour on 24.05.2014 in respect of the land of an extent of Ac.0-87 ½ cents in D.No.265/B2 and Ac.0-42 cents in D.No.265/B3, situated at Namburu village, Pedakakani Mandal, Guntur District. Since then, he has been in possession and enjoyment of the said property and his name was mutated in the revenue records. When he intends to sell the said property to third parties and approached the fifth respondent for registration of document, the petitioner was informed that as per the proceedings of the third respondent dated 25.06.2016 the property was included in the prohibitory list under Section 22A of the Registration Act and cannot be registered. Challenging the same, the present Writ Petition is filed.

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 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 Act and in view of the same, the petitioner is given liberty to submit an appropriate representation to the said 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.

¹ 2016 (1) ALT 550 (FB)

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: 08.02.2018

Nsr

