

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.5031 of 2018

Order:

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

The petitioners state that they purchased a house bearing Door No.2/210-1 in Plot No.B-1, situated in Survey No.345/2 of Rajiv Gardens, Buddayapalle, Ward No.2, Proddatur Municipality, YSR Kadapa District, under a registered sale deed dated 22.10.2010 from one Smt. Geetha. Their vendor constructed the said house after obtaining necessary permissions from the concerned departments. Originally, the lands in the said survey number and other lands were purchased by one Krishnamacharyulu in the Court auction and got it registered on 25.04.1937. He sold the said property and other properties to one Panyam Yerramuni Reddy under a registered sale deed dated 01.06.1942. The only daughter of Panyam Yerramuni Reddy namely Subbamma succeeded to the property. After her death, her four sons succeeded to the same and they executed a registered gift deed in favour of one Smt. Geetha, the vendor of the petitioners, pertaining to 0.11 cents of land on 04.10.2004. When the petitioners intend to sell the house and approached the sixth respondent for registration of the document, he refused to register the same on the ground that the land was included in the list of prohibited properties as per G.O.Ms.No.200 dated 05.05.2016. 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:

¹ 2016 (1) ALT 550 (FB)

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 petitioners are 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.

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: 16.02.2018

Nsr

