

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.5459 OF 2018

ORDER:

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

The petitioners state that they are the owners and possessors of the lands admeasuring Acs.06.11½ guntas, out of total extent of Acs.15.22 guntas in Survey No.272 of Maheswaram Village, Ranga Reddy District and the land admeasuring Acs.6.39 guntas, out of total extent of Acs.14.36 guntas, in Survey No.273 having purchased the same under different registered sale deeds on different dates. Since the date of purchase, they have been in possession and enjoyment of the said property and prior to that, their predecessors in title were in possession and enjoyment of the said lands from many decades. Originally, Sri Molla Baksh was the absolute owner and possessor of the land in Survey Nos.272 and 273 of Maheswaram Village and Gram Panchayat, and Sajiya, Parsiya, Jothiya, who are the predecessors in title of the petitioners, were the protected tenants in respect of the said lands. The petitioners wanted to enter into a Development Agreement and the same is presented before the fourth respondent, and when the fourth respondent refused to receive and register the same on the ground that the said lands have been included in the Prohibitory List and the fourth respondent furnished a copy of the letter, dated 16.06.2012, addressed by the third respondent on the instructions of the second respondent, stating that the said lands have been notified under Section 22-A of the Registration and Stamps Act. Challenging the same, the writ petition is filed challenging the inclusion of the lands of the petitioners in the Prohibitory List.

This Court noticed that the letter addressed by the third respondent, dated 16.06.2012, is not as per the guidelines of the Government.

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

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

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 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. Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

20.02.2018
pln

A.RAMALINGESWARA RAO, J

