

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.5848 of 2018

Order:

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

The petitioner states that he is the absolute owner of the lands of an extent of Ac.2-27 cents in Survey No.250/2, Ac.0-05 cents in Survey No.250/3, Ac.0.16 cents in Survey No.250/4, Ac.0.73 cents in Survey No.248/3 and Ac.1.66 cents in Survey No.352/2 situated at Kanumukkala village, Bukkapatnam mandal, Ananthapur District. Originally, the said lands were purchased in the name of his elder brother from Srisaila Nidumamidi Jagadguru Mutt, Guluru Mahasamsthan of Bagepally Taluk, Kolar District, Karnataka State, under a registered sale deed in the year 1985. Later on, there was a partition between their family members and the same was settled before the Lok Adalat, Ananthapur, and an Award was passed in LSA No.1 of 1998 dated 19.12.1998. Since then, he has been in possession and enjoyment of the said lands and pattadar passbooks and title deeds were also issued to him. When the petitioner approached the third respondent for registration of the sale deed in the year 2016, he refused to register the document on the ground that the lands were included in the prohibitory list and the lands belonged to Endowments Department. Then the petitioner filed W.P.No.27632 of 2016 and this Court disposed of the said Writ Petition by order dated 19.09.2016 directing the third respondent to receive and register the document, if it is in order and, if not, to pass a reasoned order for refusing to register the document. Pursuant to the said orders, when he approached the third respondent, the third respondent by order dated 11.09.2017 refused to register the document stating that the land of an extent of Ac.0-73 cents in Survey No.248-3 was notified as land belonging to

Endowments Department and the same cannot be registered as per Section 22A(1)(c) of the Registration Act. Against the said orders he filed an appeal before the second respondent, but the same was rejected by order dated 12.01.2018. Challenging the same, he filed the present Writ Petition.

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.

In respect of the lands belonging to the Endowments Department and Wakf Board, it was held in the above decision that an application has to be made to the competent authority namely the Commissioner of Endowments

¹ 2016 (1) ALT 550 (FB)

or the Chief Executive Officer of the Wakf Board for deletion of the entries from the prohibited list.

In view of the same, liberty is given to the petitioner to submit an appropriate application to the competent authority for deletion of the above property under Section 22(1) of the Act. As and when such application is filed, the competent authority shall consider the same and pass appropriate orders thereon in accordance with law within a period of three (3) months from the date of filing such application.

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.

Date: 22.02.2018
Nsr



A. RAMALINGESWARA RAO, J