

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.6127 of 2018

Order:

The petitioner states that as per the RSR of Bejathpuram village of Tadikonda Mandal an extent of Ac.7.24 cents, situated in Survey No.60 was originally shown as Government Poramboke land. Later, the same was converted into Ayan i.e., Assessed Waste through proceedings dated 07.08.1928 and fixed tharam (cist) as Rs.2-8-0 Annas per acre. After converting the said land into assessed waste, the said land was assigned to Ismail Khan in the year 1929. The said Ismail Khan sold the same to Ch. Rosaiah on 20.12.1937. Thereafter, several transactions took place in respect of the said land. The petitioner further states that he purchased an extent of Ac.1-50 cents of land out of Ac.7-24 cents, situated in D.No.60 of Bejathpuram village, Tadikonda Mandal, Guntur District, under an agreement of sale dated 01.12.2015 and when he along with his vendor approached the third respondent for registration of the sale deed, he refused to register the same on the ground that the said land was included in the list of prohibited properties under Section 22-A of the Registration Act, 1908 and to that effect he issued a letter to his vendor on 09.12.2015. Then he filed W.P.No.41941 of 2015 and this Court by order dated 22.04.2016 disposed of the said Writ Petition directing the third respondent to consider the document presented by the petitioner without reference to the communication dated 19.11.2011 issued by the Tahsildar in accordance with law. Thereafter, when he approached the third respondent and presented the document, he refused to register the same stating that the land in Survey No.60 of Bejathpuram village of Tadikonda Mandal was notified as assigned land by the District Collector,

Guntur, under Section 22(A)(1)(e) of the Registration Act, 1908.

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.

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

¹ 2016 (1) ALT 550 (FB)

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: 23.02.2018
Nsr

