

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.6137 of 2018

Order:

The petitioners state that the land in Survey No.108 and other survey numbers situated at Koheda village, Hayathnagar Mandal, Ranga Reddy District is a private patta land belonging to the ancestors of Smt. Kandikanti Balamani, Kandikanti Yadagiri Swamy and Kandikanti Ashok Kumar. Since the said land is a dry land, the owners entered into an agreement with M/s. Janachaitanya Housing Limited, Hyderabad for development of land and make into house plots and offer to sell the same. The petitioners purchased various plots in the said survey number under respective registered sale deeds. The petitioners state that in the year 2012 when they intend to sell their plots to some third parties and approached the second respondent for registration of the documents, the second respondent informed that the said survey number is in the prohibited list as endowed land and hence cannot be registered. Subsequently, the petitioners state that the third respondent addressed a letter dated 06.07.2016 directing the second respondent to delete Survey No.108 in the name of the temples submitted by the office under Section 22A(1)(c) and enter Survey No.80 as endowed lands under Section 22A(1)(c) as per the records. Thereafter, when the petitioners approached the second respondent for registration of the document, he refused to register the same. Challenging the same, the petitioners filed the present Writ Petition.

Though the learned counsel for the petitioners submitted that the land in Survey No.108 is not endowed land and the third respondent by his letter dated 06.07.2016 directed the second respondent to delete

Survey No.108 in the name of the temple, a careful reading of the said letter clearly shows that Survey No.108 is the old survey number endowed to the subject temple and the corresponding new Survey No.80 was issued in the name of the temple and, accordingly, the third respondent directed the second respondent to delete Survey No.108 in the name of the temples submitted by the office under Section 22A(1)(c) and enter Survey No.80 as endowed lands under Section 22A(1)(c) as per the records.

The letter of the third respondent, Assistant Commissioner of Endowments Department, Ranga Reddy District, dated 06.07.2016, reads as follows:

“Kind attention is invited to the reference cited and I am to inform that Sri Ranganayaka Swamy Temple situated at Koheda (V) of Hayath Nagar (M), Ranga Reddy District is having lands in various survey numbers which were submitted to your office U/s.22(A)(1)(c) for prohibition of illegal sale of endowed lands as shown below.

Sl.No.	Survey No.	Extent
1.	75	3.35
2.	152	3.20
3.	108	0.28
4.	130/1	13.21
5.	130/2	0.22

Further, the Sy.No.108 is the old survey number endowed to the subject temple and corresponding a new Sy.No.80 has been issued in the name of the temple.

I therefore, request to delete Sy.No.108 in the name of the temple as submitted by the office U/s.22(A)(1)(c) and enter Sy.No.80 as endowed lands U/s.22(A)(1)(c) as per the records.”

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

¹ 2016 (1) ALT 550 (FB)

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 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 petitioners to submit an appropriate application to the competent authority for deletion of the above property under Section 22A(1)(c) 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.

A. RAMALINGESWARA RAO, J

Date: 23.02.2018

Nsr

