

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.6541 of 2018

Order:

This Writ Petition is filed challenging the action of the fifth respondent in not considering their representation dated 17.05.2017 seeking deletion of their lands of an extent of Ac.0-80 cents, situated in Survey No.822 of Nowluru (Errabalem) village, Mangalagiri Mandal, Guntur District (of second petitioner), and an extent of Ac.0-97 cents in Survey No.538/6, Ac.0-45 cents in Survey No.316/4, Ac.0-50 cents in Survey No.507/2 and Ac.1-03 cents in Survey No.503 of Kuragallu village, Mangalagiri mandal, Guntur District (of first petitioner) from the prohibitory list prepared under Section 22A(1)(a) and (e) of the Registration Act, 1908.

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

¹ 2016 (1) ALT 550 (FB)

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.

Since the petitioners already submitted a representation on 17.05.2017 for deletion of their lands from the prohibitory list and the same is pending consideration, the fifth respondent is directed to consider the same and pass appropriate orders in accordance with law within a period of three (3) months from the date of receipt of a copy of this order.

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: 27.02.2018
Nsr

A. RAMALINGESWARA RAO, J

