

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.6636 of 2018

Order:

The petitioner states that originally his father purchased the land of an extent of Ac.0-25 cents, situated in Survey No.329/2 of Avalavaripalem village, Cherukupalli Mandal, Guntur District, and after his death, the petitioner succeeded to the said property. The petitioner states that during his life time when his father wanted to sell the said property and presented the document for registration, the second respondent refused to register the same and made an endorsement on 04.08.2006 stating that in view of the report of the fourth respondent – Assistant Commissioner of Endowments, Guntur, the lands in Survey No.329/2 belonged to the fifth respondent Temple. The petitioner states that after the death of his father though he produced relevant documentary evidence showing that the land is a private patta land, the second respondent is not entertaining the registration of the document on the ground that the land is included in the list of prohibited properties under Section 22A(1)(c) of the Registration Act. 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.

¹ 2016 (1) ALT 550 (FB)

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 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.

A. RAMALINGESWARA RAO, J

Date: 28.02.2018
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