

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.40044 of 2015

ORDER:

This Writ Petition is filed seeking the following relief:

“declaring the action of the 3rd respondent furnishing the prohibitory list to sub registrar including petitioner’s land admeasuring Ac.3.44 cents in Sy.No.1250/1, 1252/4c1, 1249/1M of Chintalapudi Village and Mandal, West Godavari District, showing as assignment land without considering possession and title of petitioner and their vendors and the action of the 2nd respondent refuse to register on such information of 3rd respondent and issuing the letter dated 16.10.2015 declaring that the land is assigned land, as illegal and arbitrary.”

2. In the affidavit filed in support of the petition, it is stated that the petitioners purchased the aforesaid agriculture dry land through an Agreement of Sale, dated 11.08.2012 and 06.12.2012. From the date of purchase, they are in possession and enjoyment of the same. Prior to purchase of property by the petitioners, their vendors are in possession and enjoyment of the aforesaid lands and they were also issued pattadar passbooks and title deeds by the revenue authorities. The petitioners with an intention to get registered the sale deeds from their vendors in respect of above property, approached the Sub-Registrar, Chintalapudi to know value of property and stamp duty. The Sub-Registrar issued valuation certificate in respect of land situated in Survey No.1249/1N only. But, in respect of land situated in Survey Nos.1250/1, 1252/4C1, 1249/1M, the Sub-Registrar informed that the said land is an assigned land and it is not registerable. Hence, the Writ Petition.

3. 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.”

4. Now, it is stated that a Committee is constituted for dealing with the issues relating to deletion of properties which were included under Section 22A (1) of the Act and in view of the same, the petitioners are given liberty to submit an appropriate representation to the said Committee for deletion of the above property under Section 22A(1) of the Act. As and when such representation is filed, the Committee shall consider the same and pass appropriate orders thereon within a period of three (3) months from the date of filing such representation.

¹ 2016 (1) ALT 550 (FB) : 2016 (2) ALD 236 (FB)

5. The Writ Petition is, accordingly, disposed of. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

07.03.2018
YVL



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