

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.7059 of 2018

ORDER:

This Writ Petition is filed challenging the action of the respondents in including the property admeasuring Ac.1.49 cents in Survey No.417/4 situated at Pithapuram Village and Mandal, East Godavari District, in the prohibitory list under Section 22-A of the Registration Act.

The petitioner contends that she is the absolute owner and possessor of agricultural land admeasuring Acs.2.83 cents in Survey No.417/4 of Pithapuram Village and Mandal, East Godavari District, having acquired the same by way of gift at the time of her marriage from her paternal grandfather. She states that she was also issued pattadar pass books and title deeds in her name. She further contends that originally the said property along with other properties was acquired by her grandfather under registered gift settlement deeds and the said properties are ziroyiti patta lands. She sold an extent of Ac.0.94 cents out of Acs.2.83 cents to one Smt.Alluri Geeta Prashanthi under a registered sale deed dated 08.06.2006. She alleges that the first respondent acquired the property sold by her for providing houses to the poor under Indiramma Housing Scheme and also paid compensation to Smt.Alluri Geeta Prashanthi. When the petitioner wanted to sell the remaining extent of Ac.1.49 cents in Survey No.417/4, she came to know that the said land was recorded in the prohibitory list under Section 22-

A of the Registration Act and she was advised to obtain no objection for registration. Hence she filed the present Writ Petition seeking a direction to the respondents to exclude the subject property from the list of prohibitory lands.

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.”

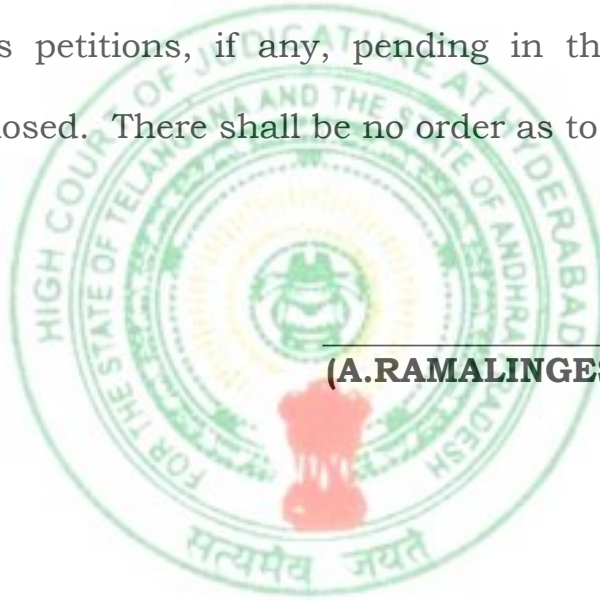
Now, it is stated that a Committee is constituted for dealing with the issues relating to deletion of properties which

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

were included under Section 22(1) of the Registration 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 Registration 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.

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.

05.03.2018
vs



(A.RAMALINGESWARA RAO, J)