

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.7327 of 2018

ORDER:

This Writ Petition is filed challenging the action of respondent Nos.2 and 3 in not obliging the request of the petitioner for deleting his landed property admeasuring Acs.2.43 cents in Survey No.399/1A and Ac.1.74 cents in Survey No.398/1A situated at N.S.P.Colony, Vinukonda, from the prohibited list.

The case of the petitioner is that originally the land admeasuring Acs.2.43 cents in Survey No.399/1A and Ac.1.74 cents in Survey No.398/1A was assigned by the Government as service inam to the great grandfather of the petitioner for playing bhaja bhajantris in Sri Prasanna Ramalingeswara and Kodandaramaswami vari Devasthanam. After the demise of the petitioner's great grandfather, petitioner's grandfather used to play bhaja bhajantris. After the demise of petitioner's grandfather, the petitioner's father used to play bhaja bhajantris in the said temple on festive occasions. A certificate was also issued by the Executive Officer of the temple to that effect. The father of the petitioner used to cultivate the said land during his lifetime. The Irrigation & CAD Department, Government of Andhra Pradesh, issued land acquisition proceedings in respect of the said land and thereafter did not utilize the said land. As a reply to the letter of the petitioner's father seeking information regarding intention to utilise the said

land, the Executive Engineer of Irrigation & CAD Department issued letter in the year 2010 stating that the said land is not useful for the department and they have no intention to make any constructions in the said land and the land was returned. After the death of petitioner's father, the petitioner has been playing bhaja bhajantris in the said temple and cultivating the said land. When the petitioner wanted to sell the land to third parties and approached the third respondent for registration of the sale deed, the third respondent refused to register the same on the ground that the said land is in the prohibitory list issued by the second respondent. When the petitioner insisted for deletion of the property from the prohibited list, there was no action by respondent Nos.2 and 3. Hence, 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. Thus, in order

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

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 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.

(A.RAMALINGESWARA RAO, J)

06.03.2018
vs