

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO. 7858 OF 2018

ORDER:

The petitioner purchased agricultural dry land admeasuring Ac.1.85 cents in RS.No.1248/10, land admeasuring Ac.1.26 cents in RSNo.1248/11, totally admeasuring Ac.3.11 cents in Survey No.1248/2010 at Chintalapudi Village and Mandal under registered sale deed. He also purchased property in Survey No.1248/11 from his vendors under two registered sale deeds. When the petitioner wanted to execute a mortgage deed in respect of his property, he approached the Registration authorities. The petitioner was informed that the said land is included in prohibitory properties list vide Notification dated 19.5.2016, but no reason is given for including the said property in prohibitory properties list. Challenging the inclusion of the said land in the list of prohibited properties, the present Writ Petition is filed.

2. This Court in Vinjamuri Rajagopala Chary v. State of A.P¹ 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

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

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.”

3. 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 petitioner is 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.

4. The Writ Petition is accordingly, disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO,J

Date: 12.3.2018

KPM

