

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.7921 of 2018

Order:

Heard learned counsel for the petitioners and learned Government Pleader for the respondents.

The petitioners state that the first petitioner, mother of the petitioners 2 to 4, is the absolute owner and possessor of the land of an extent of Ac.1-05 gts., situated in Survey No.2418/2 of Huzurabad village and Mandal, Karimnagar District, having purchased the same under a registered sale deed dated 22.07.1977 from one Smt. Komaramvelli Saraswathi who in turn purchased the same under a registered sale deed dated 14.08.1975 from one Mohammed Umar who is the original assignee of an extent of Ac.6-02 gts., in the said survey number vide proceedings of the third respondent dated 29.02.1956. They also state that the husband of the first petitioner and father of petitioners 2 to 4 namely Banda Ankush also purchased the land of an extent of Ac.2-00 from the above named Smt. Komaramvelli Saraswathi under a registered sale deed dated 22.07.1977. Subsequently, the petitioners 2 to 4 inherited the same through a Will Deed. Thus, the petitioners have been in possession and enjoyment of the said lands and their names were entered in the revenue records and pattadar passbooks were also issued to them. While so, when the respondents 2 to 4 included the lands of the petitioners in the list of prohibited properties for registration furnished to the fifth respondent without there being any notification under Section 24A(1)(e) of the Registration Act, they 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 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.”

At this stage, learned Government Pleader submits that in compliance with the orders of this Court in the aforesaid decision, the Government of Telangana issued G.O.Ms.No.185, Revenue (Assn.I) Department, dated 28.07.2016, constituting the committee to consider the grievances of the persons affected by the notifications issued under Section 22-A(1)(e) of the Indian Registration Act, 1908, regarding prohibition of registration of lands.

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

In view of the same, the petitioners are given liberty to approach the said grievance redressal committee for appropriate relief by making proper application. As and when such application 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 application.

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.

Date: 12.03.2018
Nsr

A.RAMALINGESWARA RAO, J

