

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.8365 of 2018

Order:

The petitioners state that they are the absolute owners and possessors of the agricultural land admeasuring Ac.5-66 cents, situated in Survey Nos.140, 155 and 163 of Joharapuram village, Kurnool District, having inherited the same from their father late K. Naganna who purchased the same under a registered sale deed dated 26.09.1961. Pattadar passbooks and title deeds were issued in favour of their father. They executed a registered GPA and a lease deed in favour of third parties and later on they filed OS No.460 of 2015 before the II Junior Civil Judge, Kurnool for cancellation of the said GPA and the lease deed and the said suit was decreed on 06.07.2017. After obtaining the decree, when the petitioners approached the respondents 2 and 5 with a request to effect the cancellation in the Index Card Data in the Sub-Registrar's office, the same was not done on the ground that as per the report of the Assistant Commissioner of Wakf dated 23.04.1956 and the AP Gazette dated 24.10.1963 the said land was included in the list of prohibited properties. Challenging the same, the present Writ Petition is filed.

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

¹ 2016 (1) ALT 550 (FB)

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.

In respect of the lands belonging to the Endowments Department and Wakf Board, it was held in the above decision that an application has to be made to the competent authority namely the Commissioner of Endowments or the Chief Executive Officer of the Wakf Board for deletion of the entries from the prohibited list.

In view of the same, liberty is given to the petitioners to submit an appropriate application to the competent authority for deletion of the above property under Section 22A(1) of the Act. As and when such application is filed, the competent authority shall consider the same and pass appropriate orders thereon in accordance with law within a period of three (3) months from the date of filing such application.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 14.03.2018

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