

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.9130 OF 2018

DATED :21.03.2018

Between :

Gade Amrutha Bai S/o.Late Laxmana Rao,
Aged about 83 yrs, Occu : Housewife,
R/o.D.No.50-121-68/2, Balayya Shastri Layout,
Seethammadara, Visakhapatnam,
Visakhapatnam District.

.. Petitioner

And

State of Andhra Pradesh,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat, Velagapudi, Amaravathi,
Guntur District & others.

... Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Assistant Government pleader for Revenue (A.P). With their consent the writ petition is disposed of at the admission stage.

2. Petitioner claims that she is the owner of property admeasuring Ac.0-30 cents i.e., 1450 Square yards in Sy.No.17/4 bearing Patta No.221 of Rushikonda Village, Yendada Panchayat, Visakhapatnam Rural mandal, Visakhapatnam District. Petitioner claimed to have purchased the said property by way of registered sale deed dated 31.08.2004. Petitioner is aggrieved by inclusion of Sy.No.17/4 of Rushikonda Village in the prohibited list of properties under Section 22-A (1) (a) of the Indian Registration Act, 1908 (for short 'the Act'). Aggrieved by such inclusion, on 12.12.2017 petitioner submitted a representation to the District Collector, Visakhapatnam-3rd respondent requesting him to exclude her property from the list of prohibited properties and to permit her to carry out registration of deed of conveyance. Alleging inaction on the said representation, this writ petition is filed.

3. Learned counsel for the petitioner submits that on elaborate consideration of the issue concerning the list of prohibited properties, registration of prohibited properties and the scope of Section 22-A of the Act, the Full Bench of this Court in "***Vinjamuri Rajagopala Chary Vs State of Andhra Pradesh***¹", gave detailed directions. In so far as this case is concerned, direction No.36 (ix) is relevant. According to learned counsel though the Full Bench

¹ 2016 (1) ALT (550) (F.B)

fixed six weeks time to consider the application and to pass orders, the representation received on 12.12.2017 is not acted upon even after more than three months and the same amounts to arbitrary and illegal exercise of power.

4. As noticed from the direction of the Full Bench in Para 36 (ix) it was directed to consider the objections on inclusion of property in the prohibited list and to take a decision by the competent authority within six weeks. The competent authority to take decision on the properties covered by Section 22-A (1) (a) of the Act, is the District Collector. No reasons are forthcoming as to why the District Collector has not taken decision. Since the writ petition is disposed of at the admission stage, the Court is not expressing any opinion on the alleged delay. Since the time fixed by the Full Bench of this Court has already expired, the Writ petition is disposed of directing the District Collector, Visakhapatnam to take a decision on the application filed by the petitioner on 12.12.2017 and communicate the decision with a reasoned order, as expeditiously as possible, preferably within a period of two (2) weeks from the date of receipt of copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

21st March, 2018
Rds

P.NAVEEN RAO,J