

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.22521 of 2017

ORDER:

This Writ Petition is filed seeking the following relief:

“declaring the action of the 2nd respondent in not disposing of the appeal of the petitioner filed against refusal to register the Sale Deed submitted by the Hon'ble Court of the Senior Civil Judge, Vizianagaram in E.P.No.38/2006 in O.S.No.4 of 2006 on the pretext that the 4th respondent has submitted the list prohibiting the registration, as arbitrary and illegal.”

2. In the affidavit filed in support of the petition, it is stated that the petitioner entered into an Agreement of Sale with one Dr.Rudrabatla Venkata Gowriswara Rama Shastry and others thereby agreeing to purchase house property bearing D.No.17-11-7, Fort Road, Vizianagaram, for a total sale consideration of Rs.2,50,000/-. The said Rama Shastry expired on 17.12.2004. When the legal heirs of said Rama Shastry did not come forward to execute a registered Sale Deed in favour of the petitioner, she filed a suit for Specific Performance of Agreement of Sale, dated 22.10.2002. The said suit was decreed and when the decree was not implemented, she filed E.P.No.38 of 2006 to furnish market value of the schedule property and accordingly, the 3rd respondent issued market value certificate. As per the directions of the Court, the petitioner paid balance sale consideration and prayed the Court to send the document for registration. When the 3rd respondent returned the Sale Deed with an endorsement, dated 12.11.2008, stating that the Sale Deed cannot be registered as the subject property belongs to Endowments Department as per

Section 22-A of the Registration Act, the present Writ Petition is filed.

3. 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.”

4. 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

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

pass appropriate orders thereon within a period of three (3) months from the date of filing such representation.

5. 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.

07.03.2018
YVL

A.RAMALINGESWARA RAO, J



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