

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

Writ Appeal No.541 of 2018

JUDGMENT: *(per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)*

Heard Sri E. Poornachander Rao, learned counsel for the appellant-writ petitioner, and the learned Government Pleader for Revenue (Telangana) and, with their consent, the writ appeal is disposed of at the stage of admission.

The appellant herein filed W.P.No.40555 of 2017 seeking a *mandamus* to declare the action of the respondent-authorities, in including the petitioner's land of an extent of Ac.2.17 guntas in Sy.No.9 situated at Dundigal Village, Dundigal Gandimaisamma Mandal, Medchal-Malkajgiri District in the list of prohibited properties, vide notification dated 25.09.2013, as illegal, arbitrary, without jurisdiction and in violation of Articles 14 and 300-A of the Constitution of India.

In the order under appeal, the learned Single Judge, after referring to the Full Bench Judgment in ***Vinjamuri Rajagopala Chary vs. State of Andhra Pradesh***¹, granted liberty to the appellant-writ petitioner to approach the grievance redressal committee for appropriate relief by making a proper application. The Learned Single Judge further observed that, if no grievance redressal committee has been constituted, the petitioner should submit a representation to the District Collector within a period of two weeks; and the District Collector should pass appropriate orders on the grievance expressed by the petitioner.

Both Sri E.Poornachander Rao, learned counsel for the appellant, and the learned Government Pleader for Revenue, would

¹ 2016(1) ALT 550 (FB)

agree that, in terms of the Full Bench Judgment in ***Vijanamuri Rajagopala Chary***, it is only against inclusion of the lands in the prohibited properties list under Section 22-A(1)(e) of the Registration Act, can a person aggrieved thereby approach the redressal committee, and not with respect to lands which fall within the ambit of Clauses (a) to (d) of Section 22-A(1). It is also not in dispute that the subject lands were included in the list of prohibitory properties in terms of Section 22-A(1)(a), and do not fall under Clause (e) of Section 22-A(1). Consequently, the appellant-writ petitioner was disabled from approaching the redressal committee. As inclusion of the subject land in the prohibited properties list, under Section 22-A(1)(a) of the Registration Act, is questioned in the writ petition, the writ petition as filed is maintainable.

We consider it appropriate, therefore, to set aside the order under appeal, and restore the writ petition to file. Learned Government Pleader for Revenue requests three weeks time to file counter-affidavit. It is open to Sri E. Poornachander Rao, learned counsel for the appellant-writ petitioner, to request the learned Single Judge to take up either the WPMP or the Writ Petition itself for hearing any day after three weeks from today.

The Writ Appeal is disposed of accordingly. No order as to costs. Miscellaneous petitions, if any, pending in this writ appeal, shall stand closed.

RAMESH RANGANATHAN, ACJ

KONGARA VIJAYA LAKSHMI, J

Date: 04.04.2018
BSS

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Date: 04.04.2018

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