

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.11671 OF 2018

Dated:10.04.2018

Between:

Matsya Tirupathi Rao, S/o. Jaggu Naidu,
Aged about 60 years, Occ: Agriculture,
R/o.Boobandaravalasa Village,
Bobbili Mandal, Vizianagaram
District and others

.. Petitioners

And

The State of Andhra Pradesh, rep., by its
Principal Secretary to Government,
Revenue, Secretariat, Amaravahti,
Guntur District and others

.. Respondents



The Court made the following:

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ORDER:

Heard.

2. Petitioners are aggrieved by inclusion of the properties of small holdings held by them in New Survey Nos.1 to 36 (Old RS.No.3) of Boobandara Valasa Village, Bobbili Mandal, Vizianagaram District, in the prohibited list of properties under Section 22-A of the Registration Act, 1908 (for short, 'the Act'). This Writ Petition is filed alleging that though a representation was made on 26.12.2017, the same is not acted upon so far by the respondent authorities.

3. A bare perusal of the representation, dated 26.12.2017, enclosed as Ex.P2, would show that it was addressed to the Hon'ble Deputy Chief Minister, who is also Minister for Revenue, and such representation was also made only by one person, by name, P. Jagannadam.

4. As per the decision of the Full Bench of this Court in ***Vinjamuri Rajagopala Chary v. State of Andhra Pradesh***¹ an aggrieved person, against inclusion of the property in the prohibited list, has to submit application to the Three-Men Committee. The Government constituted Three-Men Committee vide G.O.Ms.No.300, Revenue (Assn.I) Department, dated 05.07.2016. It is clear from the material on record that no such application is filed by the petitioners. It is seen from the endorsement of the District Collector, Vizianagaram District, that

¹ 2016 (2) ALD 236 (F.B)

the District Collector directed the Tahsildar to take action, whereas the Tahsildar is not competent to take any decision. Thus, it cannot be said that the respondent authorities are not acting on the representation submitted by the petitioners and direction as sought for by them cannot be granted.

5. The Writ Petition is accordingly disposed of leaving it open to the petitioners to submit application/applications before the Committee for exclusion of the properties claimed by them from the list of prohibited properties under Section 22-A of the Act. If such application/applications is/are made, the Committee shall examine the same and take appropriate decision as warranted by law within a period of six weeks from the date of receipt of copy of the application/s. There shall be no order as to costs.

Miscellaneous Petitions, if any, filed in this Writ Petition shall stand closed.

Date:10.04.2018

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P. NAVEEN RAO, J