

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.12494 OF 2018

DATED :12.04.2018

Between :

Shaik Mahaboob Basha S/o.Mahaboob Peera,
Age 40 yrs, Occu : Agriculture,
H.No.14/80, Mahaboobnagar,
Rangasamudram, Porumamilla Mandal,
YSR Kadapa District.

.. Petitioner

And

The 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 Government Pleader for Revenue appearing for the respondents.

2. Petitioner claims that he is the owner of land to an extent of Ac.2.00 cents in Sy.No.1001 of Rangasamudram Village, Porumamilla Mandal, YSR Kadapa District. While so, the subject land is included in the list of prohibited properties under Section 22-A of the Indian Registration Act (for short 'the Act'). Aggrieved by such inclusion petitioner submitted a representation to the District Collector. Responding to the said representation, the District Collector directed the Tahsildar vide his letter dated 21.02.2018 impugned in the present writ petition, to undertake the exercise of examining the claim of petitioner for exclusion of property from the list of prohibited properties.

3. The entire issue on the scope of inclusion of properties in the list of prohibited properties under Section 22-A of the Act, the request for exclusion of properties was considered by the Full Bench of this Court in "***Vinjamuri Rajagopala Chary Vs State of Andhra Pradesh***¹". In terms of the declaration given by the Full Bench, the District Collector alone is competent to deal with the request for exclusion of properties claimed by the petitioner.

4. Learned Assistant Government pleader fairly submits that the decision of District Collector directing the Tahsildar is erroneous.

¹ 2016 (1) ALT (550) (F.B)

5. Having regard to the above, the order impugned is set aside and the Writ Petition is allowed. The District Collector, YSR Kadapa, is directed to consider the request of the petitioner on merits without relegating it to any subordinate authority. The entire exercise shall be completed as expeditiously as possible, preferably within a period of six (6) 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.

12th April, 2018
Rds

P.NAVEEN RAO,J

