

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.12884 of 2017

ORDER:

This Writ Petition is filed seeking to declare the action of the 2nd respondent in not entertaining documents for registration in respect of property situated in Survey No.255 of Ongole, Prakasam District.

2. In the affidavit filed in support of the petition, it is stated that the Governor, Council of Madras, has granted inam in title deed vide patta No.1994 in favour of one Ongole Ramachandrudu for repairs of Padmaraju Kunta. The said title deeds consist of land in S.Nos.154, 183 and 255 of Ongole. As per the said title deed, the inam is confirmed to the said Ramachandrudu and his successors for a period of 20 years. The above said lands were in possession of said Ramachandrudu. Thereafter, certain lands in the above survey numbers were sold to third parties. While so, when the lands in the above survey numbers were declared as lands of the institution (tank), the husband of the first petitioner, who is successor-in-interest, has preferred an appeal and got patta in his favour. Since then, the husband of the first petitioner has been in possession and enjoyment of the same and he was also issued pattadar passbooks and title deeds in his favour. While so, the husband of the first petitioner and father of petitioners 2 and 3 died leaving behind petitioners 1 to 3 as legal heirs and therefore, they become the owners of above mentioned property. Thereafter, the petitioners entered into development agreement-cum-General Power of Attorney with the 4th respondent for development of land

and accordingly, the 4th respondent constructed flats. Occupancy Certificate was also issued by the Municipal Corporation, Ongole. While the matter stood thus, the 3rd respondent issued proceedings on 04.06.2016, informing the list of landed properties belonging to Charitable and Religious Institutions of Prakasam District, for placing them under prohibitory list for registration under Section 22 (A) (i) (c) of the Registration Act (for short, 'the Act'). When the 4th petitioner approached the 2nd respondent for registration of flats along with undivided share of land in Survey No.255, she was informed by the 2nd respondent that the land in the above survey number was under the prohibitory list and refused to register the same. Hence, the Writ Petition.

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

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

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 petitioners are 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 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.

A.RAMALINGESWARA RAO, J

07.03.2018
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