

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.14193 OF 2018

DATED :23.04.2018

Between :

Voleti Satyanarayana Rao, S/o.Rangaiah,
Aged 68 yrs, Business, R/o.Flat No.102, 8-3-228,
D-1, Srinivasa Village Apartments,
Yousufguda, Hyderabad & others.

.. Petitioners

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary to Government,
Revenue (Assn.I) Department,
At Secretariat, Velagapudi, Amaravathi,
Guntur District A.P. & others.

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioners and learned Government pleader for Revenue appearing for the respondents.

2. Petitioners are aggrieved by inclusion of subject lands in the list of prohibited properties. Along with the writ petition paper book G.O.Ms.No.196 dated 05.05.2016 is enclosed as Ex.P.1, whereunder a notification is issued under Section 22-A (1) (e) of the Indian Registration Act, 1908 (for short 'the Act') prohibiting registration of properties enclosed to the said G.O. The property claimed by the petitioners is Item Nos. 9 & 10 of Annexure-V appended to the said G.O. Petitioners submitted representation to the District Collector on 19.03.2018, requesting him to delete the subject lands from the list of prohibited properties. Alleging inaction on the said representation, this writ petition is filed.

3. The issue of inclusion of properties in the prohibited list of properties under Section 22-A (1) (e) of the Act, and the remedies that can be availed by an aggrieved person is elaborately considered by the Full Bench of this Court in ***"Vinjamuri Rajagopala Chary Vs State of Andhra Pradesh¹"***. In Para 35.1, the Full Bench issued the following directions :

"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

¹ 2016 (1) ALT (550) (F.B)

(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. In terms of the directions issued by the Full Bench, Government constituted State Level redressal Committee to deal with the objections against inclusion and exclusion of properties covered by Section 22-A (1) (e) of the Act. Thus, the aggrieved person has to file application before the three man committee constituted by the Government and the District Collector is not competent to deal with the properties covered by Section 22-A (1) (e) of the Act.

5. Thus, the relief sought by the petitioners alleging inaction by the District Collector cannot be granted. Thus, leaving it open to the petitioners to file application before the State Level Committee, constituted by the Government in G.O.Ms.No.300 dated 05.07.2016, the Writ Petition is disposed of. It is needless to

observe that if such application is filed, the State Level Committee shall consider the objections, objectively and finalise the issue and furnish the decision to petitioners, as expeditiously as possible, preferably within a period of eight (8) weeks from the date of receipt of such application. There shall be no order as to costs.

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

P.NAVEEN RAO,J

23rd April, 2018
Rds

