

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.20024 and 34653 OF 2015

COMMON ORDER:

Heard learned counsel for the petitioners and the learned Government Pleader for the respondents.

2. The petitioners state that they are the owners and possessors of lands to an extent of Ac.1.07 cents each in Survey No.253/2 situated at Tirupathi Revenue Division, Chittoor District. While so, the petitioners intend to sell the said property in favour of third parties and accordingly, approached the authorities concerned, but they refused to register the same on the ground that the said lands belong to Hathiram Ji Mutt of Tirupati and it was included in the prohibited list under Section 22-A of the Stamps and Registration Act and the petitioners were directed to obtain certificate from the concerned authorities.

3. The petitioners state that the said property should not have been included in the list of prohibited lands. The petitioners also submitted representation on 20.05.2015 to delist their lands from the list of prohibited lands, but the respondents passed an endorsement on 05.06.2015 rejecting the document. They further states that the said land is neither a Government nor an assigned land. When no action was taken on the representation, dated 20.05.2015, the present Writ Petitions are filed.

4. 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

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

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 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.”

5. Now, it is stated that a Committee is constituted for dealing with the issues relating to deletion of properties which were included under Section 22(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 22(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.

6. The Writ Petitions are, accordingly, disposed of. Miscellaneous petitions, if any, pending in these two writ petitions shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

06.02.2018
YVL

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO



WRIT PETITION Nos.20024 and 34653 OF 2015

Date:06.02.2018

YVL