

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**WRIT PETITION No. 13755 of 2016****ORDER:**

This Writ Petition, under Article 226 of the Constitution of India, is filed to declare that the inaction of respondent No.5 in not deleting the land of an extent of Ac.2.09 cents in Survey Number 688/C in the prohibited property list of Bandi Atmakur Village, Kurnool District, as Endowment Land' despite reports submitted by the Tahsildar, Bandi Atmakur and RDO, Nandyal as private patta lands, as illegal and arbitrary.

The main contention of this petitioner is that the subject land is included in the notification issued by the Commissioner of Endowment under Section 22-A of the Act communicated to the Registrar with a request not to register the documents by the Registrars in respect of the lands covered by Section 22(1) (A) (2) (e) of the Act. This land would fall under Clause 1 (c) of Section 22-A of the Registration Act and accordingly, the Commissioner of Endowments issued notification under Section 22-A of the Act notifying this land as one of the lands prohibited for transfer of the property.

The petitioner made representation to the Tahsildar, who intum recommended for deleting the land in question from the prohibited property list maintained under Section 22-A (c) of the Act by the Commissioner of Endowments and in turn the Revenue Divisional Officer made a recommendation for the same purpose by Letter dt. 03.11.2014, but the Collector herein did not take any action.

The Government Pleader for Andhra Pradesh appearing for Stamps and Registration filed Counter asserting that the notification was issued by the Commissioner of Endowments under Section 22-A of the Act as the land in Sy.No.688/C for an extent of Ac.2.09 cents is endowment land and the Commissioner alone is competent person either to notify or delete, but no application was made to the Commissioner of Endowments for deleting the land of an extent of Ac.2.09 cents in Sy.No.688/C of Bandi Atmakur Village, Kurnool District from the prohibited list notified under Section 22-A of the Registration Act. Therefore, making a recommendation either by Tahsildar or RDO are of no use and therefore respondent No.5 cannot be compelled to delete the land in dispute from the list notified under Section 22-A (1) (c) of the Registration Act.

During hearing, learned counsel for the petitioner reiterated the contentions mentioned in the grounds of petition and whereas, the Government Pleader brought to the notice of the Court that the notification was issued under Section 22-A of the Act by the Commissioner of Endowments and therefore, he is alone competent to delete the land on making such representation. Therefore, in the batch of Writ Petitions, the full bench of this Court issued certain direction in *Vinjamuri Rajagopala Chary and others v State of A.P., rep. by Principal Secretary, Revenue Department, Hyderabad and others*¹. In para No.36 of the Judgment, it was held that an application is to be made to the Commissioner of Endowment to delete the land notified under Section 22-A 1 (c) of Clause (9) of the Act. Therefore, the petitioner is permitted to make appropriate application to the Commissioner of Endowments for deleting the land from the prohibited list notified under Section 22-A of the Registration Act.

¹ 2016(1) ALT 550 (FB)

Accordingly, this Writ Petition is disposed of.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 19-04-2018
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THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No.13755 of 2016

Dt. 19-04-2018



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