

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.24470 of 2018

ORDER:

This writ petition is filed to declare the action of the 2nd respondent in not initiating necessary proceedings in deleting plot No.89 admeasuring 300 square yards in DTLP No.6481/2/2015-16 in the lands in S.Nos 269-3 of an extent of Ac.1-35 cts, S.No.269A of an extent of Ac.1-99 cts, S.No.269/7A1 of an extent of Ac.3-81 of Adavi Village, Bapatla Mandal, Guntur District from Annexure-A as illegal and arbitrary.

The fact that the subject lands are assigned prior to 1954 is not disputed in the written instructions submitted by learned Assistant Government Pleader for Revenue and in the report submitted by Tahsildar, Bapatla on 24-10-2016 to the Revenue Divisional Officer and reiterated subsequently in proceedings dated 06-05-2018 admitting that proposals have been already submitted for withdrawal of subject lands from the list of prohibited properties under Section 22-A (1) (E) of the Registration Act. But the complaint of the petitioner is that proposals have already been sent to the 2nd respondent, but the he has not taken any action for deletion of subject lands from the list of prohibited properties.

Learned counsel for the petitioner submits that for the lands assigned prior to 1954, there is no clause of non-

alienation as held by this Court in the judgment of **Shaik Abdul Kalam Azad v.A.Babu**¹

Heard learned Assistant Government Pleader for Revenue, who submits that as per G.O.Ms.No.575, 16-11-2018 the Collector has power to delete the properties from the list of prohibited properties. But in this case even admittedly the subject lands are assigned prior to 1954 and reports have been submitted by subordinates of the 2nd respondent.

In view of the same, the 2nd respondent is directed to take action for deletion of subject lands from the list of prohibited properties within a period of four (04) weeks from date of receipt of a copy of this order in terms of G.O.Ms.No.575, dated 16-11-2018.

Accordingly, the writ petition is allowed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

27-11-2018

Note:
Issue CC in ten days.
B/o.
Nvl

¹ 2017 (5) ALD 701



