

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5673 of 2017

ORDER:

The case of the petitioner is that she is the absolute owner and possessor of Ac.11.06 cents of land in Survey No.31, situated in Kurugunta Village of Anantapur Rural District. The said land was originally granted to her maternal grandfather Yelamanchi Subbaiah, who enjoyed the petition schedule property through out his life time and died leaving behind him his wife Yellamma and four daughters namely Subbamma, Thippakka, Sangamma and Rama Subbamma. Thereafter, Y.Yellamma passed away leaving behind her four daughters as only legal heirs. During the life of Y.Yellamma, she executed a registered Will, dated 29.06.1973, *vide* Document No.BK3 13/73 bequeathing all the properties to all her daughters allotting certain properties to them including the petitioner property. Thereafter, under a registered Gift Deed, dated 01.02.2006, the petitioner's mother Sangamma has gifted her share of the property i.e., an extent of Ac.5.80 cents in Survey No.31 in favour of the petitioner and delivered possession of the property to the petitioner. Thereafter, under a registered Gift Deed, dated 19.02.2007, the petitioner's maternal aunt Thippakka gifted the property of an extent of Ac.5.26 cents in the said Survey No.31 in favour of the petitioner and the petitioner is in possession of the same.

2. Heard Sri M.Karibasaiah, learned counsel appearing for the petitioner and learned Assistant Government Pleader for Revenue (A.P.) appearing for the respondents 1 to 5.

3. The grievance of the petitioner is that though the assignment of subject land was done much prior to 1954, the respondent authorities

have included the subject land in the List of Prohibited Properties by way of impugned order.

4. At the time of hearing, learned counsel appearing for the petitioner and the learned Assistant Government Pleader for Revenue appearing for the respondents 1 to 5 are in agreement that the issue involved in the present writ petition is squarely covered by the orders of this Court, dated 23.11.2018, in W.P.No.42044 of 2018. A copy of the order of this Court in the afore-stated writ petition is placed on record.

5. Learned Assistant Government Pleader submits that the subject land was assigned prior to 1954, however, the lands which are enlisted in 22-A(1)(a) and 22-A(1)(e) are to be released from the Prohibited List by following due procedure. In Paragraph 4 of the counter affidavit, it is admitted that the Government has issued G.O.Ms.No.,575, dated 16.11.2018, deleting the lands, which are assigned prior to 1954. Paragraph 5 of the G.O.Ms.No.575, dated 16.11.2018, reads as under:

“5. After careful examination of the matter, Government hereby order for deletion of Government lands assigned prior to 18.06.1954 from the purview of Section 22-A of Registration Act, 1908.”

6. In view of the submissions and the earlier orders of this Court and for the reasons alike as were mentioned in the earlier orders of this Court in the afore-stated writ petition, this Writ Petition is also allowed, setting aside the inclusion of the petitioner's land in an extent of Ac.11.06 cents in Survey No.31, situated in Kurugunta Village, Anantapur Rural Mandal, Anantapur District, in the

Prohibited List of properties, as stated in the Annexure to G.O.Ms.No.197, Revenue (Assn.I) Department, dated 05.,05.2016.

As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

There shall be no order as to costs.

A.RAJASHEKER REDDY, J

Date: 17th December, 2018

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Date: 17th December, 2018

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