

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[*Special Original Jurisdiction*]

WEDNESDAY THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND EIGHTEEN

P R E S E N T

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO. 24712 OF 2017

Between:

Bandari Muthaiah ... Petitioner

V/s.

State of Telangana,
Represented by its Principal Secretary,
Revenue Department, Secretariat,
Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri K. Raghuveer Reddy

Counsel for the Respondents: Govt. Pleader for Revenue

The court made the following: [order follows]

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO**WRIT PETITION NO. 24712 OF 2017****ORDER :**

Even after hearing the writ petition on 26/07/2017 and granting sufficient time, no counter is filed by the respondents and in view of the same, on the basis of the record made available to this Court by the learned counsel for the petitioner, this writ petition is disposed of.

2. The petitioner claims to be the absolute owner and possessor of the land admeasuring Ac:0-29 ½ guntas in survey No. 217/9/A, situated at Ranampalli Shivar, Kotgir Revenue Mandal, Nizamabad district. He states that the said property was purchased by his father under a registered sale deed in the year 1970. His father gifted the said property in his favour by means of a registered gift settlement deed dated 30/9/2004. After execution of the gift settlement deed, pattedar pass books and title deeds

were issued to him and the petitioner is in possession of the same.

Thereafter, he applied to the fourth respondent for recording his name in the revenue records and the fourth respondent after enquiry recorded his name in the revenue records by deleting the name of the father of the petitioner by proceedings dated 10/12/2004. When he wanted to alienate the said property, he approached the fifth respondent in the month of March, 2016 and he was informed that the said land was included in the list of prohibited properties, which was supplied by the office of the fourth respondent by letter dated 31/3/2017. In those circumstances, he filed the present writ petition challenging the insistence of no objection certificate issued in his favour before submitting the document for registration before the fifth respondent.

3. The learned counsel for the petitioner submits that the guidelines for including the properties in the list of prohibited list

was not followed and no fresh list was communicated after the full

bench judgment of this Court in **VINJAMURI RAJAGOPALA CHARY**

AND ORS. V/s. PRINCIPAL SECREARY, REVENUE DEPARTMENT,

HYDERABAD AND ORS.,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 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

¹ 2016 (1) ALT 550 (FB)

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. He further submits that the property was wrongly included, as is evident from the correspondence from the fourth respondent and the third respondent. He finally submits that the petitioner shall not be asked to undergo the process of deletion of properties from the list of prohibited properties and the inclusion itself was irregular.

5. This Court noticed that the Tahsildar, Kotgir Mandal, Nizamabad district, addressed a letter on 28/3/2016 to the Revenue Divisional Officer, Bodhan stating that he verified the pahanies for the year 1958-59 to 1960-61, Se-sala pahani from 1989-90 onwards. He informed him that survey No. 217/9/AA was recorded as 'patta' land and recommended for 'no objection certificate' in respect of the said land. The other revenue records

also show that the petitioner is the owner of the land having got the same executed by his father on 30/9/2004.

6. The learned Government Pleader on the basis of para-wise remarks submitted that the Revenue Divisional Officer, Bodhan by letter dated 30/5/2016 which recommended the case to the District Collector, Nizamabad for issuance of 'no objection certificate' for deleting the same from list of prohibited properties in the Office of the Sub-Registrar, Bodhan and further action has to be taken by the District Collector, Nizamabad. He further states that the file is under process. The said instructions were issued by the Tahsildar, Rudrur, way back in the year 2017 and thereafter there is no progress.

7. In the circumstances, this writ petition is allowed by directing the fifth respondent to receive the documents filed by the petitioner, if any, in respect of the property in an extent of Ac: 0-29 ½ guntas situated in survey No.217/9/A of Ranampally shivar,

Kotgir Mandal, Nizamabad district and process the same for registration, if the petitioner complies with all the formalities as provided under the Registration Act. The registration of the document cannot be held-up merely on the decision of treating the said land as Government land, if for any other reason, the Sub-Registrar does not want to register the documents he can make an endorsement to that effect under section 71 of the Act. There shall be no order as to costs.

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

JUSTICE A. RAMALINGESWARA RAO.

14/03/2018

I s L.

NB: Furnish CC tomorrow

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO



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