

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.40193 OF 2018

O R D E R

The case of the petitioners is that an extent of Acs.2.38 cents each in D.No.297/2 of Kantheru village, Thadikonda Mandal, Guntur District, was assigned to the predecessors-in-title of petitioners 2 and 3 prior to 1954 and they were in possession and enjoyment of the respective extents and subsequently, petitioners 2 and 3 inherited the said lands and they are in possession, and their names were also entered in the revenue records, and pattadar pass books and title deeds were issued. Their further case is that Government issued G.O.Ms.No.197 Revenue (Assn.) Department dated 05.05.2016 publishing the list Government lands under Section 22-A(1)(e) of the Registration Act, 1908 (for short 'the Act'), and in the said G.O. also, the subject lands are shown to have been assigned prior to 1954. The case of the petitioners is that as the assignment was made prior to 1954 and they were issued with pattas, the subject land ought not to have been included in the list of prohibited properties. Their further case is that when petitioners 2 and 3, intended to sell an extent of Ac.0.50 cents each in their respective lands to 1st petitioner and presented the documents to the 6th respondent - Sub Registrar, Registration and Stamps Department, Thadikonda, Guntur District, he refused to receive and register the same informing them that the lands are included in the list of prohibited properties for registration under Section 22 A(1)(e) of the Registration Act, 1908. Aggrieved by the said action of the 6th respondent, and also the inaction of the 4th respondent – State Level Grievance Redressal Committee, represented by its Chairman / Special Chief Secretary and Chief Commissioner of Land Administration, State of

Andhra Pradesh, in passing orders for deletion of subject land from the list of prohibited properties for registration under Section 22-A(1)(e) of the Act, the present writ petition is filed.

2. Learned Assistant Government Pleader for Revenue produced written instructions of the 3rd respondent – Tahsildar in Rc.No.480/2018 dated 8.11.2018, wherein it is stated as under:

“It is to submit that the land in S.No.297 for an extent of Acs.3-94 cents of Kantheru village is classified as Government Poramboke (TANK), is sub-divided as 297/1 for an extent of Ac.0-39 cents is DONKA and 297/2 for an extent of Acs.2-38 cents and 297/3 for an extent of Ac.1-17 cents. 297/2 and 297/3 were found assigned prior to 1954. Accordingly, though the subject land in S.No.297/2 of Kantheru village of Tadikonda mandal was assigned prior to 1954, the same have been again listed into 22-A(1)(a) and 22-A(1)(e) lands under the orders of the District Authorities and were covered by G.O.Ms.No.197 dated 05.05.2016.

However, the land which are enlisted in 22-A(1)(a) and 22-A(1)(e) are to be released after proper verification of records, from the 22-A(1)(a) and 22-A(1)(e) list duly following the procedure.”

3. This court on 15.11.2018 granted interim order directing the 6th respondent to register the documents presented by the petitioners, subject to further orders in the writ petition.

4. Heard the learned counsel for the petitioners and the learned Assistant Government Pleaders for Revenue and Stamps and Registration.

5. From the above written instructions it could be seen that the 3rd respondent – Tahsildar, based on record, admitted that the assignment of the subject land was made prior to 1954 and that even in G.O.Ms.No.197 dated 5.5.2016, the subject lands are shown to have been assigned prior to 1954. It is further stated in the written instructions that the subject lands are required to be released from the list published under Section 22-A(1)(e) of the Act, by following the procedure.

6. Government issued G.O.Ms.No.575 Revenue (Assignment – I) Department dated 16.11.2018 for deletion of Government lands assigned prior to 18.06.1954 from the purview of Section 22-A of the Act. The relevant portion of the said G.O., is 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”.

7. In view of the admission made by the 3rd respondent – Tahsildar in the written instructions and that in G.O.Ms.No. 197 dated 5.5.2016 also it is stated that the assignment of the subject land was made prior to 1954, and further the Government issued G.O.Ms.No.575 dated 16.11.2018 for deletion of lands assigned prior to 18.06.1954; writ petition is allowed and the 4th respondent – Special Chief Secretary and Chief Commissioner of Land Administration, is directed to delete the subject land from the list of prohibited properties published under Section 22-A of the Act, within a period of four weeks from the date of receipt of a copy of this order.

8. Interlocutory applications pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:30—11—2018

AVS