

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40645 of 2018

ORDER:

It is the case of the petitioner that he purchased an extent of Ac.7.74 cents of dry land comprised in Sy.No.220/3, Atmakur Village, SPSR Nellore District along with other lands vide two registered sale deeds dated 02.07.2003 and 07.07.2003 from Chittamuru Mallikarjuna Reddy, Raja Srinivasulu and others respectively and have been in possession and enjoyment of the said land with absolute rights. While so, in the year 2009, when the petitioner approached 5th respondent to mortgage some extent of the subject land for the purpose of raising loan for his business purpose, the 5th respondent directed him to obtain a 'No objection Certificate' from Revenue authorities as the said land was shown in the list of prohibited properties as 'Rastha Poramboke' and accordingly, the 5th respondent addressed a letter dated 23.06.2009 to the 3rd respondent for necessary instructions. On receipt of the said letter the 3rd respondent called for a report from the Tahasildar, Atmakur vide marginal remarks dated 27.02.2010 and the Tahasildar having verified the records submitted a Report dated 04.03.2010 stating that the Sy.No.220/2 is classified as 'Rastha Poramhoke in the diglot and due to oversight both the survey numbers were shown as 'Rastha Poramboke'. Basing on the said report, the 2nd respondent issued proceedings

dated 27.12.2010 directing the 3rd respondent to treat the above said land as patta land and issue NOC as there were registrations over the said lands since 1940. In pursuance of the said directions, the 2nd respondent issued 'No objection Certificate' dated 31.10.2011 duly declaring the land of the petitioner i.e. an extent of Ac.7.74 cents in Sy.No.220/3, Atmakur as Patta Land. Subsequently in the year 2016, the 2nd respondent issued proceedings vide E1/395/2016, dated 29.06.2016 notifying the subject land as Government Land in the list of prohibited properties. Aggrieved the same, the petitioner approached this Court by filing WP.No.11231/2017 and this Court disposed of the same on 30.03.2017 directing that the petitioner shall make an application to the 2nd respondent in terms of the Full Bench Judgment of this Court in ***Vinjamury Rajagopalachary v. Principal Secretary, Revenue Department, Hyderabad***, and on making such application the 2nd respondent is directed to consider and dispose of the same within a period of eight weeks from the date of making the said application. In pursuance of the aforesaid directions of this Court the petitioner submitted an application to the 2nd respondent and the 2nd respondent as per the directions of this Court conducted an enquiry and submitted a report to the 3rd respondent vide proceedings dated 16.01.2017 and recommended to consider the subject land as patta land duly deleting the same from the list of prohibited properties. The 3rd respondent basing the said

report addressed a letter dated 18.01.2017 to the 2nd respondent requesting him to issue further directions duly enclosing all the necessary documents, copies of the report of the Tahasildar, Atmakur and the letter of the 3rd respondent dated 18.01.2017. On such letter the 2nd respondent having received the above said report of the Tahasildar, Atmakur and verifying all the connected records, issued proceedings dated 15.07.2017 duly declaring the subject land as a patta land and further directed the 3rd respondent to take necessary action to send proposals to the Registration Department through proper channel to delete the subject land from the prohibitory properties list. He also addressed a letters dated 01.09.2017 and 03.10.2017 to the Director & Inspector General of Registration and Stamps requesting for issuing necessary instructions to the concerned officers for deletion of the subject land from the list of prohibited properties. In pursuance of the said letters the Director & Inspector General of Registration and Stamps issued a Memo No.G1/7778/2017, dated 17.10.2017 to the 4th respondent with a direction to take necessary action to delete the subject land from the list of prohibitory properties.

The petitioner states that in view of the aforesaid proceedings, it is manifest that the land of the petitioner in an extent of Ac.7.74 cents, in Sy.No.220/3, Atmakur Village and Mandal, SPSR Nellore District was declared as 'Patta Land'

and the same was deleted from the list of prohibitory properties. In the meanwhile to get loan for his business purpose, the petitioner executed an agreement of deposit of title deed (Mortgage) to an extent of Ac.1.80 cents out of the above said Ac.7.74 cents along with the constructed function hall in Sy.No.220/3 on 09.10.2018. The said document was also presented before the 5th respondent for registration duly paying necessary fee on 09.10.2018. But, the 5th respondent has not received and processed the said document duly stating that the said land was notified in the list of prohibitory properties vide proceedings dated 31.05.2018 by the 2nd respondent. Thereafter, the petitioner on verification found that the subject land was again shown in the list of prohibitory properties. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner.

Learned Assistant Government Pleader for Revenue produced written instructions. But, the said instructions pertain to Survey No.222.

Learned counsel for the petitioner also states that the petitioner is taking steps in respect of survey No.222.

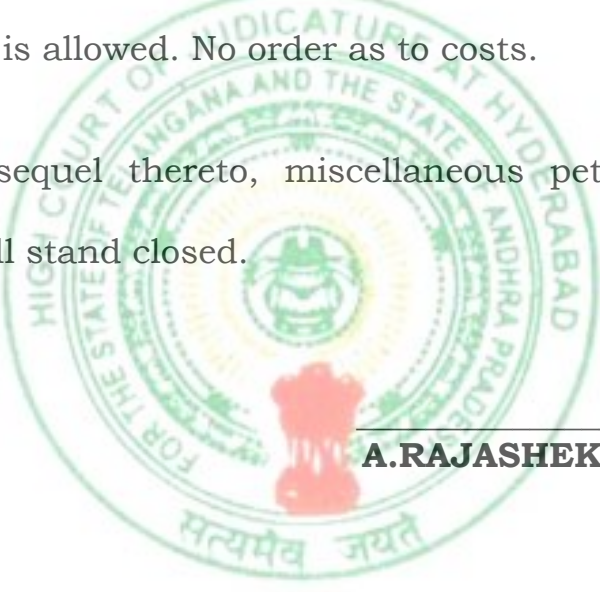
In this case it is to be seen that the facts alleged in the writ petition are not even referred in the written instructions. The written instructions refer Survey No.222. But the present

dispute pertains to Survey No.220/3. Further, the petitioner has earlier succeeded in writ petition No.11231/2017 and there is no whisper in the written instructions that any writ appeal is filed against the said order in the aforesaid writ petition. Proceedings relied on by the petitioner are not disputed or denied in the written instructions which goes to show that the assertions made by the petitioner in the writ affidavit are correct.

In view of the aforesaid facts and circumstances, the writ petition is allowed. No order as to costs.

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

19.11.2018
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**A.RAJASHEKER REDDY, J**