

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.42052 OF 2018

ORDER

The case of the petitioner, as per the averments made in the affidavit filed in support of the writ petition, is that he purchased the subject property in an extent of 600 sq. yards in plot No.6 in Sy.No.15/4 in Lakshmi Nagar Layout of Ramavaram village, Gantyada mandal, vide registered sale deed bearing document No.5891/2016 dated 31.05.2016 from his vendor. Originally, the subject land along with other lands in an extent of Acs.2.95 cents with specific boundaries belong to one Dasari Rangadu @ Ramaswamy, s/o late Appala Swamy and his name was also recorded in revenue records and the subject land is shown as patta land in revenue records. As the registration authorities are continuing the subject land along with other lands in Sy.No.15 to an extent of Acs.2.95 cents, in the list of prohibited properties under Section 22-A of the Registration Act, 1908, the neighbouring plot owner of the petitioner by name Kopperla Srinivas, filed application before the 3rd respondent – Revenue Divisional Officer, for deletion of land admeasuring Acs.2.95 cents in Lakshmi Nagar layout, from the prohibited list. During the course of enquiry conducted by 3rd respondent, the 4th respondent – Tahsildar, has reported that the as per the revenue records, land in Sy.No.15 of Ramavaram village is classified as Government Gayalu (AWD), whereas in the web land adangals, the original vendor's name is being shown. 4th respondent further reported that Sy.No.15 has been sub divided into 1 to 4 sub divisions. The grievance of the petitioner is that without considering the report of the 4th respondent - Tahsildar, the 3rd respondent – Revenue Divisional vide impugned communication in Rc.No.862/2018 A, dated 28.05.2018 to the 2nd respondent - District Collector, recommended that the request of the applicant i.e., Kopperla Srinivas, for deletion of the subject land from list of government lands published under Section 22-A of the said Act, cannot be considered. The petitioner, who claims to be the neighbouring plot owner to the applicant in the impugned proceedings dated

28.05.2018, filed the present writ petition, since the said proceedings would also have the effect of continuing his property in the prohibited list.

Learned counsel for the petitioner submits that as per revenue records, the subject land is shown as patta land and the 4th respondent – Tahsildar, reported to the 3rd respondent that the subject land is classified as AWD gayalu. As per the judgment of this court in **RAAVI SATISH vs. STATE OF A.P.**¹, gayalu or AWD lands cannot be included in the list of prohibited properties under Section 22-A of the Registration Act. He submitted that the 3rd respondent – Revenue Divisional Officer, without considering these aspects, vide the impugned proceedings dated 28.05.2018, recommended to the 2nd respondent – District Collector that the request for deletion of the land in Sy.No.15, from the list of prohibited properties, cannot be considered.

Heard the learned Assistant Government Pleader for Revenue.

The 2nd respondent – District Collector is the competent authority to consider the relief sought for by the petitioner. In view of the facts and circumstances of the case, writ petition is disposed of leaving it open to the petitioner to make application to the 2nd respondent with relevant documents, and as and when such an application is filed, 2nd respondent is directed to consider the same in the light of above facts and circumstances and the law laid down by this court in the decision cited 1 supra, and dispose of the same in accordance with law, within a period of three months from the date of receipt of such application.

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

A.RAJASHEKER REDDY,J

DATE:28—11—2018
AVS

¹ 2013(1) ALT 774