

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.42127 of 2018

ORDER:

The case of the petitioners is that petitioners 1 to 3 are the absolute owners and possessors of an extent of Ac.2-50 cents of agricultural land in Survey No.595/1A and their petitioner No.4 owns an extent of Ac.0-50 cents of agricultural land in Survey No.595/1B. The lands are situated in Pedapalakaluru village of Guntur mandal, Guntur district. The said lands were originally granted to their predecessor late K. Devanandam by the Government of Madras, during the year 1928. This aspect was taken note of by the Commissioner of Land Revenue (Mr. F.W. Stewart), in the proceedings in Ref.No.B.3336/38-2, dated 13.08.1938, in his capacity as the Secretary of the Board of Revenue, Madras. Further, the Collector, Guntur, in R.C.A.No.2738-41, dated 19.05.1944, also took note of the fact that K. Devadanam had been assigned land in Survey No.595/1, an extent of Ac.3-00 cents vide Patta No.421. His name was also recorded in the Manuscript Diglot Register (continuation of the RSR) as Pattadar of the said land. The said register was prepared during the British period.

The petitioners state that the names of petitioners 1 to 3 were shown in the Record of Rights – Form 1B and the pattadar passbook (khata No.2981) in respect of land in an extent of Ac.2-50 cents in Survey No.595/1A, and similarly, petitioner No.4 is the pattadar as shown in Form No.1-B, and pattadar passbook (khata No.2984) in relation to an extent of Ac.0-50 cents in Survey No.595/1B.

The grievance of the petitioners is that though the subject land was granted much prior to 1954 which is also evident from the report of the 4th respondent-Tahsildar dated 10.10.2018, and also the report dated 19.10.2018 of the 3rd respondent-Revenue Divisional Officer, the 2nd respondent-District Collector has not taken any action on the representation submitted by the

petitioners requesting to delete their lands from Prohibited List under Section 22-A(1)(a) of the Registration Act.

2. Heard the learned counsel for the petitioners and the learned Assistant Government Pleader

3. Learned AGP produced written instructions admitting that the report was filed by the Tahsildar on 10.10.2018 and recommended deletion of the subject property from the prohibited list, apart from reiterating the findings of the Tahsildar in the written instructions.

4. It is admitted in the written instructions 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. 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.”

5. In view of the same, the 2nd respondent-District Collector shall consider the application of the petitioners in view of the report of the Tahsildar dated 10.10.2018 and the report of the Revenue Divisional Officer dated 19.10.2018, and pass orders within six weeks from the date of receipt of a copy of this order.

6. The writ petition is accordingly disposed of. No costs. Pending miscellaneous petitions, if any, shall stand closed.

23rd November, 2018
KSM

A. RAJASHEKER REDDY, J

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