HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.43400 of 2017

Order:

The petitioner states that she is the absolute owner, possessor and pattadar of the agricultural land of an extent of Ac.4-45 cents situated in Survey No.515/1 of Rayachoty village and Mandal, kadapa District, having acquired the same from her husband through a registered gift settlement deed dated 05.12.2011. When she intends to sell the said property and approached the sixth respondent, he refused to register the document on the ground that the said land was included in the list of prohibited properties. Then she filed W.P.No.26046 of 2016 and this Court by order dated 05.08.2016 disposed of the said Writ Petition giving liberty to her to approach the second respondent. Accordingly, she made a petition before the second respondent on 11.08.2016 seeking deletion of the said property from the prohibitory list. When the second respondent rejected her petition by impugned orders dated 21.04.2017, she filed the present Writ Petition.

When the petitioner submitted a representation to the State Level Grievance Redressal Committee for deletion of her property from the prohibitory list, an order was passed on 21.04.2017 rejecting the request on the ground that the petitioner failed to produce the conclusive evidence of granting assignment patta before 1954. A reading of the impugned order shows that the Collector, YSR District, Kadapa reported that the land is basically dotted land as per RSR and was assigned in the year 1929 prior to issuance of G.O.Ms.No.1142, dated 18.06.1954. There was no condition of non-alienability in respect of the assignments made prior to issuance of G.O.Ms.No.1142, dated 18.06.1954. Further, it appears that several transactions took place after sale of the property by the original assignee. In those circumstances, it is for the State Level Committee to call for the record from the revenue authorities and take a decision, but cannot place the burden on the petitioner to produce a patta issued in favour of the predecessors in interest of the vendor of the petitioner.

Hence, the impugned order is set aside and the matter is remanded to the second respondent for consideration afresh based on the record produced by the revenue authorities and pass appropriate orders within a period of two (2) months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed. There shall be no order as to costs.

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

A. RAMALINGESWARA RAO, J

Date: 21.02.2018
Nsr