

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.45092 OF 2018

O R D E R

The petitioner is one J.Pankaja w/o J.Sudhakar Reddy and she is being represented through her General Power of Attorney (GPA) holder, V.Lokanadha Reddy, s/o Muni Reddy. The case of the petitioner is that originally the subject land was assigned in the year 1936 on conditional basis and thereafter in the year 1944, the assignee sold the subject land by virtue of registered sale transactions, and after flow of time through number of registered sale transactions, eventually an extent of Acs.03.45 cts. in Sy.No.1320/1, an extent of Acs.02-66 cts. in Sy.No.1320/2 and an extent of Acs.3.62 cets. in Sy.No.1321/1 of Puthalapattu mandal and village, Chittoor District, Andhra Pradesh, was purchased by her mother and father viz., D.Varalakshmi and D.Jayachandra Reddy, vide registered sale deeds dated 24.11.1982 and 19.02.1983. Petitioner claims to have succeeded the said property from her parents. The G.P.A. holder of the petitioner, filed representation before the 5th respondent – Tahsildar stating that the land in an extent of Acs.2.66 cents in Sy.No.1320/2 and an extent of Acs.3.62 cents in Sy.No.1321/1 of Puthalapattu Revenue Village and Mandal, were shown as DKT lands in Annexure-1 of prohibitory list prepared under Section 22-A of the Registration Act, 1908 (for short 'the Act') and sought for deletion. The 5th respondent, vide proceedings in Roc/A/494/2018, dated 07.07.2018, submitted proposals stating that the subject lands were assigned on conditional basis in the year 1936 and subsequently, the property was transferred by way of registered sale deeds and that one Sri D.Jayachandra Reddy purchased the subject lands in the year 1983 and he was enjoying the same. It is stated that these lands were entered in the name of Sri Venkata Reddy in old

Adangal fasili 1420. Now these survey numbers were entered as notional katha No.30002 in Adangal (1427) fasi as DKT lands. 5th respondent - Tahsildar further stated that it is erroneously published in Annexure – 1 in the name of Smt. D.Varalakshmi in Sy.Nos.1320/2 and in Sy.No.1321/1, in the name of Si D.Nagaiah. In pursuance of the proposals of the 5th respondent – Tahsildar, 4th respondent – Revenue Divisional Officer, vide proceedings in Roc. B/2988/2018 dated 31.07.2018, submitted proposals to the 2nd respondent - District Collector, for rejection and consequently, the 2nd respondent vide the impugned endorsement in Dis.No.F5/03/22(A) Lands/PPT/2018 dated 14.08.2018 rejected the request of GPA holder of the petitioner for deletion of the subject lands from the list of prohibited properties under Section 22-A of the Act. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner, reiterating the above averments made in the affidavit filed in support of the writ petition, further submits that the Tahsildar, vide his proposals dated 27.07.2018 categorically submitted that the subject land was assigned on conditional basis in the year 1936 and thereafter, the property was transferred through registered sale transactions from the year 1944 and that the subject lands in Sy.No.1320/2 and 1321/1 were purchased by Si D.Jayachandra Reddy, who is the father of the petitioner, in the year 1983 and he was enjoying these lands. But the 4th respondent – Revenue Divisional Officer, though noted the proposals submitted by the 5th respondent – Tahsildar, has recommended for rejection of the request made by the GPA holder of the petitioner for deletion of the subject land from the list of prohibited properties and accordingly the 2nd respondent – District Collector, vide his

impugned endorsement, rejected the request for deletion from the prohibited list.

Learned Assistant Government Pleader for Revenue, on written instructions, did not dispute that originally the land was assigned in the year 1936, but stated that as per revenue records, petitioner is no way related to the subject property.

In the written instructions it is stated as under:

“It is further stated that actually the DKT pattas for S.No.1320/1, 1320/2 and 1321/1 of Puthalapattu village were granted in the year 1936 as per entries in the A-Register. After that so many registrations took place. Hence, all the transactions attract the provisions of A.P. Assigned (P.O.T.) Act, 9/1977.”

In this case, it is not in dispute that the lands are assigned prior to 1954 and as per the written instructions, the only objection is that the petitioner is in no way related to the subject property and the property stands in the name of third parties.

It is to be seen that the 5th respondent - Tahsildar, vide proceedings in Roc/A/494/2018 dated 27.07.2018, on enquiry, has submitted proposals to the District Collector, stating that the subject lands were purchased by D.Jayachandra Reddy in the year 1983 and he was enjoying the lands, but erroneously published in Annexure – 1 in the name of Smt. D.Varalakshmi in Sy.Nos.1320 and Sy.No.1321/1, in the name of Sri D.Nagaiah. The petitioner claims to be the daughter of D.Jayachandra Reddy and that after his death on 12.09.1984, she succeeded the subject property.

In view of these facts and circumstances, it is not known on what basis, it is stated in the written instructions that the petitioner is in no way related, or got any right over the subject lands.

As already noted above, there is no dispute that the lands are assigned prior to 1954. 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.

Having regard to the facts and circumstances of the case, impugned endorsement dated 14.08.2018 of the Joint Collector, Chittoor District, is set aside and the writ petition is allowed and consequently, the Special Chief Secretary and Chief Commissioner of Land Administration, who is the competent authority under G.O.Ms.No.575 dated 16.11.2018, is directed to cause deletion of subject lands from the list of prohibited properties under Section 22-A of the Act, within a period of three months from the date of receipt of a copy of this order.

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

A.RAJASHEKER REDDY,J

DATE:19—12—2018

Note:

Office to mark a copy of this order to Special Chief Secretary and Chief Commissioner of Land Administration, Andhra Pradesh, for compliance.

B/O
AVS