

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.46559 OF 2018

O R D E R

The case of the petitioner is that, originally the land in an extent of Acs.3-62 cents in Sy.No.680/1 and an extent of Ac.0.27 cents in Sy.No.680/3 situate at Balligattam village, Narsipatnam mandal, Visakhapatnam, was assigned to one Chowduwada Paidesetti in the year 1921 vide patta No.268 and since the date of assignment, he has been in possession and cultivating the land, and the adangal pertaining to the year 1934 shows that he was cultivating Tobacco in Sy.No.680/3. He alienated the assigned land through registered sale deeds in the year 1946 and eventually, the father of the vendor of the petitioner purchased the subject land in an extent of Ac.1-81 cents in Sy.No.680/1 of Baligattama village, Narsipatnam Mandal, Visakhapatnam, along with other lands, under registered document bearing No.2613/1963 dated 20.12.1963, and in the family partition, the subject land fell to the share of the vendor of the petitioner, and he entered into an agreement of sale and petitioner paid part of sale consideration. The grievance of the petitioner is that the Government vide Gazette Notification in Rc.No.3795/2008/E1 dated 18-08-2015 included the subject land, which is at Sr.No.256, in the list of prohibited properties for registration under Section 22-A(1)(a) of the Registration Act, 1908 (for short 'the Act'). Aggrieved by the same, the present writ petition is filed.

Learned Counsel for the petitioner submits that the subject lands are assigned in the year 1921 and the name of the original assignee was also incorporated in the revenue records and D-form patta was granted. He submits that 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, but in spite of the said G.O., the subject lands are being continued in the list of prohibited properties for registration and the same is illegal and arbitrary.

Learned Assistant Government Pleader for Revenue, on instructions, did not dispute that the subject land was assigned prior to 1954.

Government issued G.O.Ms.No.575 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. There is no dispute that the subject lands are assigned prior to 1954, and by virtue of registered sale deeds, there was flow of title since 1946. In view of G.O.Ms.No.575 dated 16-11-2018, subject lands cannot be continued in the list of prohibited properties for registration.

Having regard to the facts and circumstances of the case, writ petition is allowed and the competent authority under G.O.Ms.No.575 dated 16-11-2018 – Special Chief Secretary and Chief Commissioner of Land Administration, is directed to cause deletion of subject land 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:28—12—2018

Note:

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

B/O
AVS