

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.42759 of 2017

ORDER:

This Writ Petition is filed challenging the action of the respondents in including the petitioner's land to an extent of Ac.0.14 guntas in Survey No.170, situated at Lashkarsingaram Village of Hanmakonda Mandal, Warangal District, in the prohibitory list prepared under Section 22- A (1)(a) of the Registration Act, 1908 (for short, 'the Act').

2. In the affidavit filed in support of the petition, it is stated that the petitioner is the absolute owner and possessor of aforesaid property having purchased the same from one Polampally Bakkaiah under a registered sale deed, dated 29.10.1980. Since the date of purchase, she has been in possession and enjoyment of the same. Thereafter, the petitioner obtained permission from the Municipal Corporation for construction of A.C.Roof shed and compound wall in the subject property in the year 2008. The petitioner also issued possession certificate to the subject land by the Tahsildar on 06.01.2014. While so, when the petitioner approached the 4th respondent for presenting the sale deed in favour of her sons, he refused to receive the same stating that the subject land is a Government land and it is included in the list of prohibitory properties under Section 22-A (1)(a) of the Registration Act. Hence, the writ petition.

3. This Court in **Vinjamuri Rajagopala Chary v. State of A.P**¹ considered the said issue and held as follows:

¹ 2016 (1) ALT 550 (FB) : 2016 (2) ALD 236 (FB)

“35.1 Further, as noticed earlier the State Government is empowered either suo motu or on application to consider the grievances against inclusion of any property in the prohibitory list under Section 22-A of Registration Act and is also empowered to de-notify either in full or in part the notification issued under sub-section (2). In our opinion, the redressal mechanism is available only with respect to notifications published relating to the properties falling under clause (e) of Section 22-A. Hence, any grievance of the parties with reference to the properties covered by clauses (a) to (d) will have to be questioned by the aggrieved parties only by appropriate proceedings before a competent Court and the adjudication by such Court would be final. Further, so far as notified properties falling under clause (e) are concerned, the redressal mechanism under sub-section (4) of Section 22-A would be able to effectively address the grievance provided the mechanism thereunder is effective, expeditious, fair, and judicious. Thus, in order to make an effective redressal mechanism, we deem it appropriate to direct the respective Governments of both the States to constitute a Committee or establish a Forum within time frame, may be comprising of Principal Secretary of Revenue, Director of Survey and Land Records and a retired Judicial Officer of the rank of a District Judge which shall meet periodically to consider the grievances of the persons affected by the notifications. The Committee shall be empowered to examine relevant records and then pass a reasoned order either accepting or rejecting the grievance by either confirming/deleting/modifying any such property from the notified list of properties. In our view, such orders passed by the Committee shall be binding on the State as well as on the aggrieved person and in the event of any of them being aggrieved thereby, they shall have to approach a competent Court of Law for redressal of their grievance.”

4. At this stage, learned Government Pleader submits that in compliance with the orders of this Court in the aforesaid decision, the Government of Telangana issued G.O.Ms.No.185, Revenue (Assn.I) Department, dated 28.07.2016, constituting the committee to consider the grievances of the persons affected by the notifications issued under Section 22-A(1)(e) of the Indian Registration Act, 1908, regarding prohibition of registration of lands.

5. In view of the same, the petitioner is given liberty to approach the said grievance redressal committee for appropriate relief by making proper application.

6. The Writ Petition is, accordingly, disposed of. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

07.03.2018
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