

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.41703 of 2017

ORDER:

This Writ Petition is filed seeking the following relief:

“to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the prohibitory land list prepared and communicated by the 3rd respondent to the 7th respondent in Annexure-III under the purported exercise of the powers conferred under section 22 (A) (1) (c) of the Registration Act 1908 by including the lands to an extent of Ac 1.08 cents in R S No 423/ 3 Poranki Village Penamaluru Mandal Krishna District as an Endowment land and the consequential action of 7th Respondent in refusing to entertain the Sale Deeds for registration as arbitrary illegal colorable exercise of power contrary to the provisions of Section 43 of AP Charitable And Hindu Religious Institutions And Endowments Act 1987 and the provisions of the Registration Act 1908 and violative of Articles 14 19(g) 21 and 300 A of the Constitution of India and consequently direct the 7th respondent to entertain the Sale Deeds for registration of the lands to an extent of Ac 1.08 cents situated in R S No 423/3 Poranki Village Penamaluru Mandal Krishna District by setting aside the prohibitory lands list in Annexure-III communicated by the 3rd respondent.”

2. The petitioners state that their parents are absolute owners and possessors of abovementioned land having purchased the same for a valuable consideration under a registered sale deeds on 30.12.1981 and 21.04.1981. After demise of their parents, the petitioners partitioned the said property among themselves by way of Registered Deed of Partition on 06.06.2014. Thereafter, the petitioners entered into development agreements with one Ancha Surendera and two others. The said developers got approval from the concerned authorities and constructed flats and now they are at different stages. After completion of apartment, one of the developers tried to sell away the flats and accordingly, approached the Sub-

Registrar for registration and when the Sub-Registrar denied for registration on the ground that the subject survey number is included in the prohibitory list communicated by the Endowment Department, the present Writ Petition is filed.

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

“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. Now, it is stated that a Committee is constituted for dealing with the issues relating to deletion of properties which were included

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

under Section 22(1) of the Act and in view of the same, the petitioners are given liberty to submit an appropriate representation to the said Committee for deletion of the above property under Section 22(1) of the Act. As and when such representation is filed, the Committee shall consider the same and pass appropriate orders thereon within a period of three (3) months from the date of filing such representation.

5. 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.

FEBRUARY 14, 2018
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A.RAMALINGESWARA RAO, J



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Date: 14.02.2018

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