

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.41135 OF 2017

ORDER:

The petitioners state that Mr.Dasthagiri Saheb and Smt.Aminabee were the absolute owners and possessors of the land to an extent of ½ share in Acs.2.89 cents in D.No.624, T.D.No.1301 of Kurabalakota Mandal, Chittoor District, having purchased the same through a registered sale deed bearing document No.1624/1955, dated 21.06.2014. Being the absolute owners, their names were mutated in the revenue records and pattadar pass books and title deeds were issued in their favour. After the death of Mr.Dasthagiri Saheb, Smt.Aminabee has become the absolute owner of Acs.1.44 ½ cents in Survey No.624 of Kurabalakota Village and Mandal, Chittoor District. The part of the land in Survey No.624 has been acquired for the purpose of Handrineeva Srujala Sravanthi Canal and left over land after acquisition comes to 0.65 ¾ cents was in the name of Smt.Aminabee. The said Smt.Aminabee has executed Registered Gift Settlement Deed bearing document No.4089 of 2011 in favour of the petitioners and another in respect of the land of an extent of Acs.0.70 cents, out of Acs.2.89 cents in Survey No.624 of Kurabalakota Village and Mandal, Chittoor District. After partition, the petitioners are entitled to an extent of Acs.0.21 cents each, total admeasuring Acs.0.42 cents in Survey No.624 of Kurabalakota Village and Mandal, Chittoor District. The petitioners names were recorded in the revenue records and they were issued pattadar pass books and title deeds and they have been in physical possession of the said land. When the petitioners approached the fourth respondent to sell the said land, the fourth respondent stated that the said land in Survey No.624 is prohibited under Section 22-A of the Registration Act. Challenging the same, the writ petition is filed.

This Court in **Vinjamuri Rajagopala Chary and Others vs. 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.

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

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

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.

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

06.02.2018
pln

