

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.41187 of 2017

ORDER:

The petitioner states that he is the absolute owner and possessor of land in Survey No.314/20/A, B, C, E and 314/21 to an extent of Ac.5-14 cents of Vadlamudi Village, Chebrolu Mandal, Guntur District, having purchased the same in the year 2008 for a valid consideration. While so, the petitioner came to know that the third respondent included the above lands in the list of prohibited properties under Section 22-A of the Registration Act and taking advantage of the same, the fourth respondent is trying to dispossess the petitioner from the above lands. When the petitioner approached the fifth respondent to give market value, he refused to give the same and orally informed that the above lands are included in the prohibited lands. Aggrieved by the said action, the petitioner made representations to the respondents, who in turn issued notices to the petitioner and kept quiet. Hence, the petitioner filed the present Writ Petition.

2. The petitioner states that the said property should not have been included in the list of prohibited lands. He further submits that the land is neither a Government nor an assigned land and he submitted representations to respondents and when no action was taken, the present Writ Petition is filed.

3. This Court in **Vinjamuri Rajagopala Chary and Ors. v Principal Secretary, Revenue Department, Hyderabad and Ors**¹ considered the said issue and held as follows:

¹ 2016 (1) ALT 550 (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.”

In view of the same, the petitioner is given liberty to approach the said grievance redressal committee for appropriate relief by making proper application. At this stage, learned counsel for the petitioner submitted that the grievance redressal committee was not

constituted and there is no one to redress the grievance of the petitioner. If no grievance redressal committee is constituted as directed by this Court, the petitioner is given liberty to submit proper representation to the third respondent within a period of two weeks from the date of receipt of a copy of this order and the third respondent is directed to pass appropriate orders on the grievance expressed by the petitioner, within a period of four weeks thereafter.

4. 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.

JANUARY 23, 2018
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A.RAMALINGESWARA RAO, J



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Date: 23.01.2018

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