

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.46471 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“to issue writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not considering the request made by the petitioner for modification of the house site in Plot Nos. 76 and 77 to an extent of Sq. 377 yards in Sy.No.131/5 and 131/6 of Boravanipalem, Madhuravada, Visakhapatnam, Visakhapatnam District in 22-A Register vide application Transaction No.TATTA011800031476 dated 03.12.2018 as well as the representation made by the petitioner dated 27.06.2017 as void, illegal, arbitrary, unconstitutional and contrary to the Registration Act and consequently direct the respondents to consider the representation/application made by the petitioner dated 27.06.2017 as well as application through Meeseva dated 03.12.2018 by taking into consideration of the Revenue Records for deleting the house site in Plot Nos. 76 and 77 to an extent of Sq. 377 yards in Sy.No.131/5 and 131/6 of Boravanipalem Madhuravada, Visakhapatnam, Visakhapatnam District from 22A Register.”

2. Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue appearing for the respondents.

3. Originally, the petitioner's father purchased the subject property from one Smt.Manthina Annapura under an approved layout. Thereafter, the petitioner's father executed a Will Deed in his favour and his brother on 01.01.2009. After demise of his father, the petitioner is in possession and enjoyment of the subject property. While things stood thus, the petitioner came to know that the subject property was included in the list of prohibited properties made under

Section 22-A of the Registration Act and he made a representation through Meeseva on 03.12.2018. But, till date no orders are passed on the said representation.

4. Learned Assistant Government Pleader for Revenue appearing for the respondents submits that having fully come to know that the subject land is an assigned land, the petitioner's father purchased the same. Therefore, the question of deleting the said land from Section 22-A Register does not arise and caution boards are also erected in the said land.

5. It is to be seen that these aspects have to be considered by the first respondent-District Collector. In stead of keeping the writ petition pending, ends of justice would be met if a direction is given to the 1st respondent to consider the representation said to have been made by the petitioner on 03.12.2018.

6. Having regard to the above, the Writ Petition is disposed of directing the 1st respondent-District Collector to consider the aforesaid representation said to have been made by the petitioner on 03.12.2018 and dispose of the same in accordance with law. If the petitioner is aggrieved by the order to be passed by the 1st respondent, the same may be challenged before appropriate Forum.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

DECEMBER 21, 2018

YVL

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



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Date:21.12.2018

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