

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.42186 of 2017

ORDER:

This Writ Petition is filed seeking to declare the action of the respondents in including the land to an extent of Ac.2.00 cents in Survey No.202/1, situated at Kotarmur Village, Armur Mandal, Nizamabad, in the prohibitory list, as arbitrary and illegal and consequently, direct the fourth respondent to delete the said land from the prohibitory list.

2. It is stated that one Chakali Rajanna was the original owner of the aforesaid land. The said Rajanna sold the same in favour of third parties by way of registered sale deed. Since the date of purchase, they are in possession and enjoyment of the same. The revenue authorities also issued pattadar passbooks and title deeds in their favour. Thereafter, the petitioner intends to purchase the said land from the said parties and presented a registered sale deed before the fifth respondent. The fifth respondent by his letter, dated 16.12.2017 refused to register the document stating that the subject property is included in the prohibited list as per Section 22-A of the Registration Act. Aggrieved by the same, 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

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

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

19.02.2018
YVL

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO



WRIT PETITION No.42186 of 2017

Date:19.02.2018

YVL