

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.41923 of 2017

ORDER:

This Writ Petition is filed seeking to declare the action of the respondents in not removing Survey No.811 of Nagunur Village, Karimnagar Rural Mandal, Karimnagar District, from the prohibited list furnished by the fifth respondent by considering representations, dated 30.12.2016 and 29.11.2017, as arbitrary and illegal.

2. The petitioner states that he purchased the land to an extent of Ac.3.09 guntas in the aforesaid survey number under a registered sale deed on 14.06.2004 from one Gopu Papi Reddy and others. The total extent of land in the aforesaid survey number is Ac.7.09 guntas. After purchase, the petitioner made an application to the Tahsildar, Karimnagar Rural Mandal, for mutation of his name in the revenue records and for issuance of pattadar passbooks and title deeds. After verification of the same, the Tahsildar mutated the name of the petitioner in the revenue records and pattadar passbooks and title deeds were also issued in his favour. While so, he came to know that the land in the aforesaid survey number is included in the prohibitory list and he made representations on 30.12.2016 and 29.11.2017 to the authorities concerned, but till date no orders have been passed. When no action has been taken on the aforesaid representations, 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

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

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.”

3. 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.

4. In view of the same, the petitioner is given liberty to approach the said grievance redressal committee for appropriate relief by making proper application.

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.

A.RAMALINGESWARA RAO, J

07.02.2018
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