

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.44173 OF 2017

ORDER:

The petitioner states that the lands in an extent of Acs.1.05 cents in Survey No.579/1 and an extent of Acs.3.50 cents in Survey No.579/4, totalling Acs.4.55 cents situated in Venkannapalem Village, Chodavaram Mandal, Visakhapatnam District, was assigned in favour of one Sri Jampana Rama Prasada Raju under ex-service quota in the year 1993 and he was granted 'D-Form' patta and he was in possession and enjoyment of the said lands. The said Rama Prasada Raju intended to sell the property and approached the Sub Registrar, who instructed him to obtain 'No Objection Certificate' (NOC) from the Revenue Authorities and he got the NOC from the Revenue Authorities. Subsequently, he sold the said property to one Dadi Suri Satyanarayana Raju, who executed gift settlement deed, dated 22.02.2012, to his sister Smt.Thanakala Bhushanam. She sold an extent of Acs.2.00 cents, out of Acs.4.55 cents, to three persons and the said three persons divided the said property among themselves with mutual consent, out of which, one Vaddadi Siva Prakash got an extent of Acs.0.67 cents and he got pattadar pass book and his name was entered in the revenue records in respect of the said extent of land. The said Siva Prakash intended to sell an extent of Acs.0.54 cents, out of Acs.0.67 cents, to the petitioner and the petitioner agreed to purchase the same. The petitioner approached the fifth respondent for registration and when the fifth respondent refused to register the same stating that the said property is included in Prohibitory List under Section 22-A of the Registration Act. Challenging the same, the present 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

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

Section 22(1) of the Registration Act and in view of the same, the petitioner is given liberty to submit an appropriate representation to the said Committee for deletion of 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. Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

07.02.2018
pln

A.RAMALINGESWARA RAO, J

