

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.42773 of 2017

ORDER:

The petitioner states that he is the absolute owner and possessor of Plot No.1A in survey No.539, situated at Horsley Hills, Kotavuru Village and Grampanchayat, B.Kothakota Mandal, Chittoor District, having purchased the same from Horsley Hills Cooperative House Building Society Limited. Since the petitioner being 78 years old, he intends to gift the said property in favour of his daughter-in-law out of love and affection and accordingly, executed a Gift Deed on 17.11.2017. Subsequently, the said document was produced before the fourth respondent for registration and when the fourth respondent refused to register the same with an endorsement, dated 17.11.2017, the present Writ Petition is filed.

2. This Court in **Vinjamuri Rajagopala Chary v. State of Andhra Pradesh**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

¹ 2016 (1) ALT 550 (FB)

(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. 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 fourth respondent within a period of two weeks from the date of receipt of a copy of this order and the fourth 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.

A.RAMALINGESWARA RAO, J

JANUARY 25, 2018

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Date: 25.01.2018

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