

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.41414 OF 2017

ORDER:

Heard learned counsel for the petitioners and the learned Government Pleader.

The petitioners state their father, who served as Jamedar in the Indian Army, was assigned the lands to an extent of Acs.5.20 cents in Survey Nos.552-7 (Acs.3.40 cents), 552-8 (Acs.0.50 cents) and 544-3 (Acs.1.30 cents), under ex-servicemen quota. Since the date of assignment, their father used to cultivate the said land and his name was entered in the revenue records and pattadar pass books and title deeds were issued to him. The petitioners further state that their father died on 07.05.2006 leaving behind him the petitioners as the legal heirs and successors to his estate. During the life time of his father, he executed a registered will bequeathing the subject land to the petitioners and basing on the same, their names were entered in the revenue records and they were given pattadar pass books and title deeds. While so, the second respondent, based on the instructions of the third respondent, included the lands of the petitioners in the Prohibitory List without issuing any notice to the petitioners. The petitioners made representations on 22.10.2016 and 28.10.2016 to the third respondent to delete the subject lands from the Prohibitory List. When there is no action from the respondents, 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

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

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.

The Government issued G.O.Ms.279, dated 04.07.2016, directing deletion of the lands assigned in favour of the ex-service men from the Prohibitory List, in all cases where a period of ten years expired and when there is no dispute on the land with the Government. In view of the same, the petitioners are given liberty to

submit an application to the second respondent for deletion of the lands of the petitioners from the Prohibitory List in view of G.O.Ms.No.279, dated 04.07.2016, and as and when such application is filed, the second respondent shall consider the same and pass appropriate orders thereon within a period of four weeks 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.

23.02.2018
pln

A.RAMALINGESWARA RAO, J

