

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.44096 of 2017

ORDER:

This Writ Petition is filed challenging the action of respondents 2 to 5 in including the landed properties admeasuring Ac.5.22 cents in Survey No.102/2 and Ac.5.20 cents in Survey no.103/1, situated in Nyayampalle Village, Pedavegi Manddal, West Godavari District, in the prohibited list under Section 22 (A) of the Registration Act.

2. In the affidavit filed in support of the petition, it is stated that the petitioner is the absolute owner and possessor of abovementioned properties. The then 5th respondent also granted pattadar passbooks and title deeds in his favour. While so, the petitioner intends to enter into contract of sale for the said property and accordingly, approached the office of 2nd respondent for particulars of valuation. The 2nd respondent refused to furnish the valuation particulars, on the ground that the aforesaid land is an assigned land and it is included in the list of prohibited properties under Section 22 (A) of the Registration Act. Challenging inclusion of property in the list of prohibited properties, 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

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

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.”

4. Now, it is stated that a Committee is constituted for dealing with the issues relating to deletion of properties which were included under Section 22A (1) of the Act and in view of the same, the petitioners are given liberty to submit an appropriate representation to the said Committee for deletion of the above property under Section 22A (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.

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

07.03.2018
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