

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.44456 OF 2017

ORDER:

The petitioners state that the land covered by Survey No.1042/2 admeasuring an extent of Acs.4.30 cents of Basinikonda Revenue Village was assigned in the year 1930. The petitioners purchased different extents in Survey No.1042 from the land owners and presented the document for registration. In respect of the third petitioner, the third respondent received the document on 28.07.2017 and kept the same pending P.No.231/20017 on the ground that the land covered by Survey No.1042/2 is assigned land and in respect of the documents of petitioners 1 and 2, the third respondent has not received.

The petitioners further state that the land admeasuring an extent of Acs.4.30 cents in Survey No.1042/2 of Basinikonda Revenue Village was assigned much prior to 1954. Their vendors purchased the land and presented the sale deed for registration. Since the third respondent did not register the sale deed, the predecessors of their vendors filed W.P.No.8882 of 2013 before this Hon'ble Court to declare the action of the third respondent in refusing to receive the documents in respect of the land in Survey No.1042/2. This Hon'ble Court disposed of the said writ petition directing the third respondent to consider the documents presented by their vendors. In those circumstances, the present writ petition is filed seeking to declare the action of the respondents 1 and 2 in notifying the land in Survey No.1042/2 of Basinikonda Revenue Village, Madanapalle Mandal under Section 22-A(1)(e) of the Registration Act is illegal and arbitrary and consequently to direct the third respondent to receive and register the documents presented by the petitioners without reference to the list communicated by the second respondent and release the documents.

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.

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 petitioners submitted that the Grievance Redressal Committee was not constituted

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

and there is no one to redress the grievance of the petitioners. If no Grievance Redressal Committee is constituted as directed by this Court, the petitioners are given liberty to submit proper representation to the second respondent within a period of two weeks from the date of receipt of a copy of this order and the second respondent is directed to pass appropriate orders on the grievance expressed by the petitioners, within a period of four weeks thereafter.

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.

23.01.2018
pln



A.RAMALINGESWARA RAO, J