

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.44573 of 2017

ORDER:

The petitioners state that they are absolute owners and possessors of land to an extent of Ac.48.5 ankanams consisting of three-storied building in Survey No.425 of Gudali Village, Kota Mandal, SPSR Nellore District, having purchased the same from one Pendeti Sailaja under a Registered Sale Deed bearing Document No.2517 of 2011, dated 30.11.2011. Since then they have been in continuous possession and enjoyment of the said property. While so, the petitioners intend to alienate the said property in favour of third parties and accordingly, entered into an Agreement of Sale, dated 15.06.2016, with one Mavalapati Suchendra Prasad. Thereafter, the petitioners approached the fifth respondent for executing a Registered Sale Deed and when the fifth respondent refused to register the sale deed stating that the said property is included in the prohibited list, the present Writ Petition is filed.

2. 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 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

¹ 2016 (1) ALT 550 (FB)

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.”

3. In view of the same, the petitioners are 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 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.

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 23, 2018
YVL



THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO



WRIT PETITION No.44573 of 2017

Date: 23.01.2018

YVL