

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 2893 of 2020

ORDER:

This writ petition is filed challenging the action of the respondents in not deleting the petitioner's agricultural lands to an extent of Ac.28.26 guntas in Sy.No.88 of Burdipad Village, Zaheerabad Mandal, from the prohibited properties list prepared under Section 22-A(1)(d) of Registration Act, 1908, though the lands are declared as 'non surplus' by the Land Reforms Tribunal vide its order in C.C.No.2665/Z/75, dated 19.08.1996 and also not considering representations dated 23.01.2013 and 29.08.2019 pertaining to the same.

The case of the petitioner is that petitioner, his brother and his father purchased dry land under registered documents from one Syed Maqdoom Hussain, after going through the Occupancy Rights Certificate issued by the Revenue Divisional Officer, Sangareddy dt.04.11.1981; that from the date of purchase they are in peaceful possession and enjoyment of the said land; that petitioner's father died in the year 1998 and petitioner's name and his brother's name were mutated in the revenue records through Tahasildar, Zaheerabad, vide proceedings dated 06.12.2010. It is stated that the then Tahasildar, Zaheerabad issued notice to petitioner's father in Form No.1 vide file No.3373/1992, dated 11.06.1992, directing to vacate the possession over the subject land to an extent of Ac.7.14 guntas in Sy.No.88 of Burdipad Village; and that on their intimation, their vendor preferred appeal in LRA No.185 and 186 of 1994 before the Chairman, Land Reforms

Tribunal, Rangareddy and Medak District at Hyderabad and the Appellate Tribunal was pleased to allow the said appeal vide order dated 16.12.1995 and remanded the matter to the Land Reforms Tribunal with a direction to dispose of the matter afresh within six months. As per the said direction, the Addl.Revenue Divisional Officer-cum-Chairman, LRT after conducting fresh enquiry allowed petitioner's case on 19.08.1996 and thereafter petitioner was issued Pattadar Passbooks and Title Deeds and their names were also recorded in the revenue records as 'pattadar and possessor'. While so, on 17.08.2019, when the petitioner intends to gift his part of subject property to his son, he approached Sub-Registrar, Zaheerabad, by complying all the formalities, but, the Sub-Registrar refused to register the documents presented by the petitioner and furnished a copy of the extract of the prohibited list from the register maintained under Section 22A(1)(d) stating that the lands in Sy.No.88 of Burdipad Village are recorded as ceiling surplus lands. He further states that though the Land Reforms Tribunal declared Ac.7.57 cents as ceiling surplus in its order in the year 1976, but, surprisingly the entire extent of the Survey No.88 of Burdipad Village was recorded in the prohibited properties. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioner submits that earlier the petitioner made representation dated 23.01.2013 to the Tahasildar enclosing the copy of the order dated 19.08.1996 passed by the Land Reforms Tribunal, to amend the records. In spite of the same, when the

petitioner presented gift deed, the same were returned stating that the subject property is included in the list of prohibited properties list. As such, once again, petitioner made another representation to the District Collector on 29.08.2019 requesting to delete subject property from the prohibited list, but the respondents have not taken any action, till date.

Heard learned Assistant Government Pleader for Revenue.

In view of the facts and circumstances of the case, since the grievance of the petitioner is already pending before the District Collector by way of representation dated 29.08.2019, the District Collector-2nd respondent is directed to pass orders on the said representation by taking into account the aforesaid facts and circumstances, within a period of four weeks from the date of receipt of a copy of this order. Basing on the said order to be passed by the 2nd respondent, the 7th respondent is to take action regarding receipt of gift deeds for registration.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

13.02.2020
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