

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.1435 OF 2023

Between:-

Smt.Tumpala Jalajakshi, W/o.Eswara Rao

... Petitioner

and

The State of Andhra Pradesh, rep. by its Principal Secretary,
Revenue Department, Secretariat, Velagapudi, Amaravathi,
Guntur District and others

... Respondents

Counsel for petitioner : Mr.V.Y.Prabhuvu

Counsel for R.1 to R.4 : The G.P. for Revenue

ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue. With the consent of both the counsel, the writ petition is disposed of, at the stage of admission.

2. The writ petition is filed challenging the endorsement dated 26.10.2022 of the 4th respondent rejecting the petitioner's representation/request for deletion of the subject matter property from the Prohibited Category List published under Section 22-A of the Registration Act, 1908.

3. Learned counsel for the petitioner, with reference to the averments made in the writ petition and the material filed along with it, advanced detailed arguments. It is his submission that the land in question is a private property, which was purchased by the petitioner through the registered sale deeds by paying valuable sale consideration and the petitioner is in possession and enjoyment of the same. He submits that the inclusion of the subject matter land in the Prohibited Category List is unsustainable and in fact prior to the inclusion of the same, no notice was issued to the petitioner. He submits that seeking deletion of the subject matter property from the Prohibited Category List , the petitioner made several representations to the respondent–Authorities including the one dated 13.10.2022 to the 2nd respondent. He submits that surprisingly the 4th respondent issued the impugned endorsement without taking into consideration the relevant material including the registered sale deeds in favour of the petitioner and rejected the petitioner’s representation to delete the subject matter land from the Prohibited Category List. He submits that before issuing the impugned

endorsement, no opportunity was afforded to the petitioner to enable her to substantiate her claim in respect of the subject matter property. He submits that the impugned endorsement is liable to be set aside as the same is violative of principles of natural justice and Articles 14, 19 and 300-A of the Constitution of India.

4. This Court has considered the submissions made and perused the material on record. As seen from the impugned endorsement, it would appear that the same was issued on the representation made by the petitioner to the District Collector, who is the competent Authority to take action on the applications/request for deletion of the property, which is listed under Prohibited Category. When a question is posed by this Court, learned Assistant Government Pleader for Revenue fairly agreed that as per the Government Orders, the concerned District Collector is competent to take action with regard to the applications for deletion of the property listed under the Prohibited Category, by examining the relevant material. In the present case, he points out that no such application is made by the petitioner, except making a representation to the Revenue

Authorities and in view of the same, the endorsement, which is under challenge, has been issued. He submits that under such circumstances, the impugned endorsement cannot be found fault. Therefore, he seeks for dismissal of the writ petition.

5. This Court has considered the submissions made by both the counsel. The material on record discloses that the petitioner made a representation dated 13.10.2022 to the 2nd respondent seeking deletion of the subject matter property from the Prohibited Category List. In such an event, it is for the 2nd respondent to take action in the matter and the endorsement rejecting the petitioner's request by the 4th respondent pursuant to the representation made by the petitioner is not tenable. Admittedly, the 4th respondent is not the competent Authority to take action even in respect of a representation made for deletion of the property from the Prohibited Category List. However, as rightly pointed out by the learned Assistant Government Pleader for Revenue, it appears that the petitioner had not made any appropriate

application as per the required procedure, by enclosing the relevant documents, through Online.

6. Therefore, this Court deems it appropriate to dispose of the writ petition, leaving it open to the petitioner to make appropriate application through online, along with the supporting material, to the District Collector. On receipt of such application made by the petitioner, the 2nd respondent shall consider the same and pass orders in accordance with law, after giving opportunity of hearing to the petitioner, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of the application. In view of the considered opinion of this Court that the impugned endorsement of the 4th respondent is without any competence, the same is set aside. Needless to state that the petitioner's application shall be examined by the 2nd respondent on its own merits and on the basis of the documents that may be submitted along with it by the petitioner.

7. With the above observations, the writ petition is allowed. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

NINALA JAYASURYA, J

January 24, 2023.
vasu