

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.20038 of 2023

Between:-

M.Ghane Naik and another Petitioners

And

The State of Andhra Pradesh, represented
by its Principal Secretary,
Revenue(Registration & Stamps) Department,
Secretariat, Velagapudi, Amaravathi, Guntur District,
and Others. Respondents

Counsel for the Petitioners : Mr.P.Narahari Babu

Counsel for the respondents : G.P. for Stamps & Registration

ORDER:

Heard learned counsel for the petitioners. Also heard learned Assistant Government Pleader for Stamps & Registration for the respondents. With their consent, the Writ Petition is disposed of at the stage of admission.

2. The present Writ Petition is filed to declare the action of the 2nd respondent in not deleting the petitioners' respective lands to an extent of Ac.2.30 cents and Ac.2.30 cents in Survey No.133-1 situated at Nagareddypalli Village, Mudigubba Mandal, Sri Sathya Sai District, in pursuance to the petitioners' online applications dated 27.10.2022 from prohibited list under Section 22-A(1)(A) by considering G.O.Ms.No.575 dated 16.11.2018

Revenue(Assigned-I) Department and further action of the respondent No.5 and 6 in refusing to receive the Sale Deed presented by the petitioners in respect of the subject matter property as illegal, arbitrary and violative of the above said G.O., and violative of Articles 14, 21, 300-A of the Constitution of India and for a consequential direction to the 2nd respondent to delete the subject matter lands from the prohibited list, with further direction to the 5th & 6th respondents to receive and admit the Sale Deed sought to be presented by the petitioners in respect of the subject matter lands and pass such other order or orders.

3. The learned counsel for the petitioners *inter alia* submits that the petitioners are the owners and possessors of the subject lands, which was purchased from one Tammutaka Ramana through registered Sale Deed dated 26.09.2018 for valid sale consideration. He submits that when the petitioners approached the 6th respondent for taking valuation certificate in respect of the subject matter property, they were informed that the subject matter lands are included in the prohibitory list. He also submits that the petitioners filed applications through online for deletion of the above said lands from the prohibitory property list, the revenue authorities have not initiated action in the matter though the lands were assigned prior to 1954 and obligated to act in

terms of G.O.Ms.No.575 dated 16.11.2018 on their own, without any application or representation. In those circumstances, the petitioners are constrained to approach this Court.

4. The learned Assistant Government Pleader for Stamps & Registration submits that unless the property is deleted from the prohibited properties list, the same cannot be registered as sought for by the petitioner.

5. Considered the submissions made. Though, this Court finds merit in the arguments advanced by the learned counsel, as the 2nd respondent/District Collector has to take action on the petitioners' applications dated 27.10.2022, in accordance with Law and pass appropriate orders thereon, the said authority shall complete the said exercise, within a period of two (2) months from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

NINALA JAYASURYA, J

Date: 08.08.2023
BLV

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

W.P.No.20038 of 2023

Date: 08.08.2023

BLV