

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.4765 OF 2023

ORDER:

The present Writ Petition is filed by the petitioner seeking to declare the action of the 2nd respondent-District Collector in not deleting the petitioner's husband's land from prohibited list under Section 22-A of the Registration Act, 1908, as per powers delegated to him under Circular CCLA's Lr.No.Assn.I(1)/350/2022 dated 04-05-2022, by taking the petitioner's application dated 27.08.2022 into consideration as illegal and arbitrary and consequently to direct the 2nd respondent-District Collector to delete the subject land from the prohibited list.

2. The case of the petitioner is that, the land in an extent of Ac.3.55 cents in Survey No.23-1C-6C, situated at Yerrepadu Mandal, Tirupathi District, was assigned to the husband of the petitioner under Ex-Serviceman quota on 29-06-2002 vide D.K.T. Patta No.71-4-1411 and since then they are in possession and enjoyment of the said land.

It is the further case of the petitioner that, after the death of her husband on 09.12.2020, since her son is in abroad, her daughter is looking after the subject land and she made an application dated

11.04.2022 to the 5th respondent-District Surveyor for conducting survey to set boundaries and pursuant to her application, the 6th respondent-Mandal Surveyor conducted survey and submitted a report on 13.04.2022, which shows that no dispute is pending against the subject land.

It is the further case of the petitioner that as per Instruction No.13 of CCLA's Circular Lr.No.Asn.I(1)/350/2022, dated 04.05.2022, 'No land assigned to any Ex-Serviceman/Serving soldier shall be placed in 22-A list except in cases where the period of 10 years is not completed from the date of assignment and/or there are questions about genuinity of the assignment itself'.

It is the further case of the petitioner that when the petitioner approached the respondent-authorities for obtaining 'No objection Certificate' for alienating the subject land, she came to know that the subject land was kept in prohibitory list under Section 22-A of the Registration Act, 1908. Aggrieved by the same, she made an application on 12.09.2022 to the 3rd respondent-Revenue Divisional Officer and the 3rd respondent in turn addressed the 4th respondent-Tahsidar vide letter dated 13.09.2022, to take necessary action. The 4th respondent, in spite of two reminders given by the 3rd respondent has not taken any action. Hence, the present Writ Petition is filed.

3. Heard Smt. Priyanka Sonkamble, learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

4. Learned counsel for the petitioner, in elaboration to what has been stated in the affidavit contended that, in spite of submitting representation to the Revenue Authorities, including the District Collector, praying to de-notify the petitioner's land from the prohibitory list, no action has been taken and no order has been passed.

Learned counsel for the petitioner further submitted that pursuant to the representation of the petitioner, dated 12.09.2022, the 3rd respondent-Revenue Divisional Officer directed the 4th respondent-Tahsildar to enquire into the issue vide letter dated 13.09.2022 and reminders dated 28.12.2022 and 06.02.2023, the said letters are placed on record and has drawn the attention of this Court to the same. However, Tahsildar has not acted upon them.

Learned counsel for the petitioner further submitted that it would be suffice, if a direction is given to the Revenue Authorities to dispose of the representation dated 27.08.2022 of the petitioner.

5. On the other hand, learned Assistant Government Pleader, based on the written instructions dated 25.02.2023, submits that pursuant to the directions given by the Revenue Divisional Officer, the Tahsildar has issued notice to the petitioner on 08.02.2023, calling

upon the petitioner to produce the relevant documents and to attend enquiry before the Tahsildar, Yerpedu, within one week, which was received by the petitioner on 16.02.2023. But, so far the petitioner neither appeared nor produced any documents.

6. To the said submission, learned counsel for the petitioner submitted that the petitioner has not received any notice and as such, the petitioner has not appeared before the Tahsildar and if an opportunity is given to the petitioner, she will appear before the Tahsildar and produce all relevant documents.

7. Taking submissions of both the learned counsel into consideration and as there is no purpose in keeping this Writ Petition pending, the Writ Petition is disposed of with the following directions:

- (i) The petitioner is directed to appear before the 4th respondent-Tahsildar within a period of two (02) weeks from the date of receipt of a copy of this order with all relevant documents in support of her claim;
- (ii) On such appearance the 4th respondent-Tahsildar is directed submit a detailed report to the 2nd respondent-District Collector in order to take a decision on the petitioner's application in de-notifying the subject land from the

prohibitory list, within a period of eight (08) weeks thereafter; and

- (iii) On such report from the Tahsildar, the 2nd respondent-District Collector is directed to pass appropriate orders for deleting the petitioner's land from the prohibitory list within a period of three (03) months thereafter.

Accordingly, the Writ Petition is **disposed of**.

There shall be no order as to costs.

Miscellaneous applications, pending if any, shall stand closed.

27th February, 2023

JUSTICE RAVI CHEEMALAPATI

GBS