

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.484 of 2023

Between:-

B.Rami Reddy

.... Petitioner

And

The State of Andhra Pradesh, represented
by its Principal Secretary, Revenue Department,
Velagapudi, Amaravathi, Guntur District
and Others.

..... Respondents

Counsel for the Petitioner : Mr.Suresh Kumar Reddy Kalava

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

ORDER:

The present Writ Petition is filed seeking to set aside the impugned order of the 5th respondent *vide* proceedings dated 28.11.2022, whereby rejecting the claim of the petitioner for deletion of land to an extent of Ac.5.00 in Survey No.404/1(old Survey No.314/P) situated at Kapuluppada Village, Bheemunipatnam Mandal, Visakhapatnam District from the prohibitory list, without any authority and jurisdiction and contrary to the circular issued by the 2nd respondent dated 04.05.2022 and for a consequential direction to the respondents to delete the subject matter property from the prohibitory list.

2. Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents. With their consent, the Writ Petition is disposed of at stage of admission.

3. Learned counsel for the petitioner while reiterating the contentions raised in the Writ Petition, *inter alia*, submits that in pursuance of the orders passed by this Court in W.P.No.5992 of 2020 on 05.10.2020, the petitioner made an application on 22.10.2022 before the 3rd respondent for deletion of the subject matter property from the prohibitory list. While the matter stood thus, the 5th respondent issued notice dated 24.09.2022 to the petitioner and questioning the said notice, the petitioner filed W.P.No.32066 of 2022 and an interim order was passed by this Court directing the 5th respondent herein not to interfere with the peaceful possession and enjoyment of the subject matter property, pending consideration of the representation dated 22.10.2022 before the 3rd respondent. He further submits that though the 5th respondent is not the competent authority, he passed the proceedings dated 28.11.2022 impugned in the present Writ Petition rejecting the claim of the petitioner, which is contrary to the Circular of the 2nd respondent dated 04.05.2022.

Hence, the petitioner is constrained to approach this Court seeking appropriate directions.

4. Considering the submissions made by the learned counsel for the petitioner and perusing the material on record, this Court is of the considered opinion that the 5th respondent exceeded his powers and jurisdiction in passing the impugned order. It is the concerned Collector who is competent to deal with the applications seeking to delete the property from prohibited category list as per relevant Government Orders and the said aspect is clear from the Circular referred to above.

5. In view of the undisputed position, the impugned proceedings dated 28.11.2022 passed by the 5th respondent are set aside, as he has no jurisdiction to deal with the applications seeking for deletion of properties from the prohibitory list. Accordingly, the Writ Petition is allowed. The District Collector, who is the competent authority shall take necessary action with regard to the application filed by the petitioner for deletion of the property in accordance with Law, after giving an opportunity of hearing and pass appropriate orders, as expeditiously as possible, within a period of six (6) weeks from the date of receipt of a copy of this Order. There shall be no order as to costs.

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

NINALA JAYASURYA, J

Date: 05.01.2023
BLV

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

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