

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.36042 OF 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The petitioner seeks a direction to the Sub-Registrar, Dharmavaram, Anantapur District, the 5th respondent, to receive and process the document presented by him for conveyance with regard to Ac.4.77 cents of land in Survey No.375-2 of Regatipalli Village, Dharmavaram Mandal, Anantapur District. The facts of the case show that the petitioner is an Ex-serviceman assignee under DAR Dis.No.358/81, dated 19.06.1972, and now he seeks to alienate the subject land, for which he appears to have made an application, dated 19.03.2015, before the Tahsildar, Dharmavaram Mandal, Anantapur, the 4th respondent, for 'No Objection Certification' (NOC). Subsequently, the 4th respondent examined the said application and recommended the Revenue Inspector to submit a report with regard to the subject land. As the 4th respondent is not the competent authority, under his report in Rc.No.A/414/2015, dated 01.05.2015, he forwarded the request of the petitioner to the District Collector, Anantapur District, the 2nd respondent, through the 3rd respondent. The 3rd respondent, in turn, stated to have submitted his report after personal inspection in Rc.No.2862/2015(G), dated 17.06.2015. Both the said reports are now stated to be pending with the 2nd respondent for appropriate orders.

Learned counsel for the petitioner submits that registration by the 5th respondent is held up on account of the pendency of the proceedings for grant of NOC. Hence, alternatively, as requested by the petitioner, the 2nd respondent is directed to consider the reports and pass appropriate orders.

Learned Government Pleader for Revenue submits that the petitioner has not made any application before the 2nd respondent.

It is true that there is no application submitted by the petitioner before the 2nd respondent and his application is before the 4th respondent. The reports of the 4th and 3rd respondents are generated and are pending consideration before the 2nd respondent.

In view of the same, the 2nd respondent has to in any case and on his own enquiry examine the matter in the light of the said reports and then pass appropriate orders. The petitioner shall also make an application before the 2nd respondent with reference to the reports of the 4th and 3rd respondents, so that the 2nd respondent can consider the entire matter and pass appropriate orders with reference to the request of the petitioner for grant of NOC in terms of G.O.Ms.No.307, dated 06.06.2013, preferably within a period of four weeks from the date of receipt of the application of the petitioner, as permitted above.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

05.11.2015

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