

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.20393 of 2015

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ORDER:

Heard.

The petitioner claims to be the owner of the land admeasuring Ac.3-00 cents in Sy.No.795-1A situated at Gowdanakunta Village, Amarapuram Mandal, Ananthapur District. The petitioner claims to have purchased the said land from one Muga Nagabhushana, S/o.Hanumappa and others under a registered sale deed bearing document No.669 of 1996, dated 23-04-1996. The petitioner's name is also stated to have been reflected in the revenue records and pattadar passbooks and title deeds were also issued in her favour. The petitioner now seeks to sell the said land to a purchaser and accordingly approached the 3rd respondent for obtaining valuation certificate. The endorsement made by the 3rd respondent on such request shows that the above land is assigned land and no value has been fixed and the value, therefore, is noted as 'zero'. Aggrieved by the said action of the 3rd respondent in treating the said land as assigned land, the present writ petition is filed alleging that the said land has been assigned to the father of the petitioner's vendor vide DA.Dis.No.52/39, dated 24-10-1929 and subsequently, Muga Nagabhushana, who is the son of the said Hanumappa, executed the sale deed in favour of the petitioner in the year 1996.

This writ petition was adjourned to enable the learned Government Pleader to get instructions as to whether the assignment claimed by the petitioner is of 1929 or not.

Learned Government Pleader has received instructions from the 4th respondent, wherein it is specifically accepted that the land was assigned on 29-10-1929 with number as mentioned above to one Madiga Dodda Nagani Hanuma and the son of the said assignee sold the land to the petitioner on 23-04-1996 and since then, the petitioner is stated to be in possession. It is also stated that the said land is included in the list of prohibited category under Section 22-A of the Indian Registration Act (for short 'the Act'). Hence, the 3rd respondent refused to give the valuation

certificate.

Having accepted that the assignment in favour of the father of the petitioner's vendor was of 29-10-1929 and such assignment was long prior to the policy of 1954 in the State of Andhra Pradesh and 1958 in the State of Telangana, both contain the conditions of non-alienation subject to the State policy and prior assignments do not contain such a clause as to prohibiting alienation. In view of that, therefore, it cannot be said that the present land falls within the meaning of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977. Therefore, the inclusion of the said land in the list of prohibited category under Section 22-A of the Act on the ground that it is an assigned land itself appears to be erroneous and consequently, the 4th respondent shall take appropriate steps, if necessary, by recommending the Collector to delete the land in question from list of prohibited category, so as to enable respondents 1 to 3 to receive the proposed sale deed from the petitioner, process and register the same in accordance with law. The 4th respondent shall act accordingly and take appropriate action, as directed hereunder, within four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 27-07-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.35161 of 2014

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27-07-2015

