

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.37272 OF 2015

ORDER:

Heard.

The 1st petitioner, who claims to have purchased the land admeasuring Ac.5.00 in Survey No.211/2A3 of Undavalli Village, Tadepalli Mandal, Guntur District from an Ex-serviceman in the year 2005, seeks to alienate the same in favour of the 2nd petitioner. The 1st petitioner states that the original assignment was in 1973 which was also verified by the Tahsildar, Tadepalli and the Revenue Divisional Officer, Guntur District, at the time of purchase of the said land by the 1st petitioner from the Ex-serviceman. Alleging that the proposed agreement of sale and the document of conveyance are not being received by the Sub-Registrar, Mangalagiri, Guntur District, the 5th respondent, and further claiming that there is no prohibition to alienate the Ex-serviceman's land after initial moratorium period of ten years in terms of G.O.Ms.No.1117, dated 11.11.1993, the petitioners seeks *mandamus* as prayed for.

Evidently, the 1st petitioner has not obtained permission of the competent authority under G.O.Ms.No.307, dated 06.06.2013, and unless the 1st petitioner obtains appropriate permission, the sale transaction cannot be registered. If the moratorium period has expired long back, the 1st petitioner is entitled to alienate the said land. However, the permission of the competent authority is necessary in terms of the aforesaid G.O.

Learned Government Pleader for Revenue states that the

District Collector is the competent authority to consider the request for issuance of the No Objection Certificate.

In view of the same, the 1st petitioner is given liberty to make appropriate application before the District Collector, Guntur District, the 2nd respondent, and if such an application is received by the 2nd respondent, he shall examine the same and pass necessary orders in terms of G.O.Ms.No.307, dated 06.06.2013, preferably within a period of eight weeks from the date of receipt of a copy of this order.

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

17.11.2015

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