

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.18782 of 2015

Dated 06.07.2015

Between:

Chakilam Dubbaiah

... Petitioner

and

1.The State of Telangana,
rep. by its Prl.Secretary (Revenue),
Secretariat, Hyderabad and 3 others.

...Respondents

Counsel for the petitioner: Mr.Jithender Rao Veeramalla

Counsel for the respondents: AGP for Revenue (TG)

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to declare Letter No.B/878/2015, dated 28-02-2015, of respondent No.4, whereby he has insisted on the petitioner to produce No Objection Certificate (NOC) from respondent No.2 for mutation of his name in the revenue record and for issue of pattadar pass book and title deed in respect of Acs.5-00 cents of agricultural land in Survey No.333/1 of Mittapally

Village, Siddipet Mandal, Medak District, as illegal and arbitrary.

It is the case of the petitioner, which is not disputed by the respondents, that he has purchased the subject property under registered sale deed, dated 20-09-2003, from the original assignee, who was assigned the same under ex-servicemen quota on 12-12-1974. The petitioner further pleaded that the Government of Andhra Pradesh has clarified G.O.Ms.No.743 Revenue-B Department, dated 30-04-1963, *vide* G.O.Ms.No.1117 Revenue (Assignment-I) Department, dated 11-11-1993, to the effect that ex-servicemen are entitled to sell away the assigned lands after ten years from the date of assignment and that as the petitioner has purchased the subject land from the assignee more than 30 years after its assignment, he is not required to produce the NOC.

At the hearing, the learned Counsel for the petitioner placed before the Court, a copy of the Division Bench judgment, dated 20-08-2013, in WA.No.1451 of 2013, whereby it has confirmed the order of the learned single Judge directing registration of the assigned land under ex-

servicemen quota in view of expiry of 10 years from the date of assignment.

The learned Assistant Government Pleader for Revenue (TS) has not disputed either the above referred facts or the legal position to the effect that an ex-serviceman is entitled to sell the assigned land after 10 years of the assignment and that in the instant case more than 10 years had elapsed after assignment of the land.

In the above facts and circumstances of the case, the Writ Petition is allowed as prayed for.

As a sequel to disposal of the Writ Petition, WPMP.No.24282 of 2015, filed by the petitioner for interim relief, is disposed of.

(C.V.Nagarjuna Reddy, J)

Dt: 6th July, 2015
LUR