

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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WRIT PETITION No12643 of 2011

ORDER:

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Heard learned counsel for the petitioners and learned Government Pleader for the respondents. With the consent of both parties, the Writ Petition is disposed of at admission stage.

This writ petition came to be filed seeking issuance of a writ of mandamus declaring the inaction of the 1st respondent in granting 'No objection certificate' for the sale of the land held by the petitioners in respect of land admeasuring Ac.1.06 cents in Sy.No.605/1C of Kollabailu village, Madanapalle Mandal, Chittoor District, as arbitrary, illegal, unjust and violative of Article 300-A of the Constitution of India and consequently direct the respondent to issue 'No objection certificate' to the petitioners.

The averments in the writ petition are that an extent of Ac.1.62 cents land which was classified as dry-land in Sy.No.605/4 of Kollabailu village, Madanapalle Mandal, Chittoor District was assigned in favour of one Mareppagari Ramaiah @ Ramana in the year 1956. Subsequently, the said land was subdivided and assigned as Sy.No.605/1C. It is stated that the said assignee borrowed loan from the Madanapalle Co-operative Town Bank Ltd., Madanapalle by securing the assigned land and committed default in repayment of the loan. As such, the Bank obtained a decree and brought the said assigned land for sale in E.P.No.98/71-72 by way of public auction. It is further stated that one Marappagari Venkatramana became the successful auction purchaser and the sale was confirmed in his favour by Taluk Co-operative Sub-Registrar and the Registrar of the District on 01.04.1981. It is submitted the said

land was sold to one Neerugatti Gangireddy on 13.08.1991 and delivered possession who in turn sold Ac.0.96 cents of land to one Muddana Subba Reddy and Gundlapalli Venkata Ramana under a registered sale deed dated 21.06.1996 by retaining Ac.0.56 cents. Muddana Subba Reddy sold away his half share of Ac.0.48 cents to one Saikam Ramamohan Reddy under registered sale deed on 02.01.1997. Subsequently, Neerugantti Gangi Reddy and Gundlapalli Venkata Ramana Reddy sold Ac.0.10 cents and Ac.0.48 cents respectively to one Nallappagari Venkata Ramana Reddy and Chikiti Gangi Reddy under a duly registered sale deed dated 26.03.1997. On 06.05.2005 Nallapa Reddy Venkata Ramana Reddy, Chikiti Gangi Reddy and Saikam Ram Mohan Reddy jointly sold Ac.1.06 cents to the petitioners 1 and 2 and the husband of 3rd petitioner. It is stated that since then they were in possession and enjoyment of the said land, the Revenue Authorities also issued pattadar pass books in their favour. It is further submitted that when the petitioners, to meet their pressing needs, decided to sell away the land and approached the 4th respondent/Sub-Registrar, Madanapalle for a valuation certificate, he informed them that the said land is an assigned land and valuation certificate cannot be granted. However, he demanded for obtaining 'No objection certificate' from the Revenue Authorities. Then the 1st petitioner is alleged to have submitted a written representation on 15.02.2010 to 3rd respondent/Tahasildar, Madanapalle for issuance of 'No objection certificate' who in turn submitted the same to the 1st respondent stating that 'No objection certificate' may be issued as the assigned land sold in the public auction are exempted from the operation of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. But the 1st respondent has not so far moved the matter. Questioning the inaction of the respondents, the present writ petition came to be filed.

Learned counsel for the petitioners submits that though it was originally an assigned land, after the auction being conducted by the Madanapalle Co-operative Town Bank Limited, Madanapalle, the

nature of land will be converted into an un-assigned land. He further submits that the issue involved in these petitions is squarely covered by a judgment in ***Sub Registrar, Srikalahasti, Chittoor District Vs. K.Guravaiah*** (W.P.No.14750 of 2007).

The point that arises for consideration is “Whether the 1st respondent/District Collector was justified in not issuing ‘No objection certificate’ for the sale of the land of an extent of Ac.1.06 cents in Sy.No.605/1C of Kollabailu village, Madanapalle Mandal, Chittoor District?

In W.P.No.14750 of 2007, this Court passed an order holding as under:

“the writ petition is allowed, and it is directed that the properties purchased by the petitioners, in the sales conducted by the District Co-operative Central Bank Ltd., Chittoor, shall not be treated as assigned lands, and the documents presented for transfer, shall be entertained by the 1st respondent, and processed, in accordance with law.”

Subsequently, an appeal was filed by the respondents therein which was dismissed on the ground that Section 5 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, ‘the Act’) would not come in the way of the parties in the matter of registration of the document.

In the present case, the land was purchased by petitioners in the public auction conducted by Madanapalle Co-operative Town Bank Ltd., Madanapalle. Sections 5 of the Act deals with prohibition of registration of assigned lands and Section 6 of the Act deals with exemption for Section 5 which read as under:

“Section 5 of the Act of 1977- Prohibition of registration of assigned lands:

Notwithstanding anything in the Registration Act, 1908, on or after the commencement of this Act, no Registering Officer shall accept for registration of any document relating to the transfer of, or the creation of any interest in, any assigned land included in a list of

assigned lands in the district which shall be prepared by the District Collector and furnished to the Registering Officer, except after obtaining prior permission of the District Collector concerned for such registration.

Section 6- Exemption: Nothing in this Act shall apply to the assigned lands held on mortgage by the State or Central Government, any local authority, a Co-operative Society, a scheduled bank or such other financial institution owned, controlled or managed by a State Government or the Central Government, as may be notified by the Government, in this behalf.”

In view of Section 6 of the Act and having regard to the order of this Court dated 26.07.2007, passed in W.P.No.14750 of 2007, the writ petition is allowed directing the 1st respondent to grant ‘No objection certificate’ for the sale of the land of an extent of Ac.1.06 cents in Sy.No.605/1C of Kollabailu village, Madanapalle Mandal, Chittoor District.

With the above direction, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

11.08.2015

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