

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10021 OF 2015

ORDER:

Petitioner filed this Writ Petition seeking a mandamus against the respondents for not granting the 'No Objection Certificate' to alienate the lands in Sy.No.507, 508 and 580/3 to an extent of Ac.2-61 cents, Ac.0-34 cents and Ac. 2-00 cents respectively (total extent of Ac.04-95 cents) situated at Rayachoti Mandal, YSR Kadapa District, pursuant to the representation made by the petitioner, as arbitrary, illegal, contrary to law, and further to direct the 4th respondent to register and release the sale deed presented by the petitioner for registration of the above said lands without insisting for No Objection Certificate.

It is the grievance of the petitioner that the land an extent of Ac.04-95 cents i.e., an extent of Ac.02-61 cents in Sy.No.507, Ac.0-34 cents in Sy.No.508 and Ac.2-00 cents in Sy.No.580/3 of Rayachoti Village and Mandal of YSR Kadapa District, was assigned to him under Ex-Servicemen quota, vide D.Form Patta DKT No.3/1403, dated 20.01.1993, with a condition not to alienate the property as directed under G.O.Ms.No.743, dated 30.04.1963. However, subsequently the Government issued G.O.Ms.No.1117, dated 11.11.1993, with a partial modification to the G.O.Ms.No.743 that the Ex-Servicemen are free to sell away their assigned lands after a period of 10 years. Therefore, the restraint imposed was expired on 20.01.2003 itself. For personal necessities, when the petitioner intended to dispose of the said property, the 4th respondent-Sub-Registrar, Rayachoti, insisted for obtaining 'No Objection Certificate' from the 2nd respondent-District Collector, YSR Kadapa District, in terms of the G.O.Ms.No.307, dated 06.06.2013. Therefore, he made several representations to the 2nd respondent and lastly on 11.12.2014 for issuance of 'No Objection Certificate'. So far, 2nd respondent has not taken any action on his representation. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioner submits that as per G.O.Ms.No.1117, Revenue (Assignment) Department, dated 11.11.1993, after 10 years the assignee is entitled

to dispose of the land and further in terms of G.O.Ms.No.307, dated 06.06.2013, there is an obligatory duty on the part of the 2nd respondent, in considering the representation of the petitioner dated 11.12.2014 to issue No Objection Certificate.

Learned Assistant Government Pleader representing the respondents submits that on review of the earlier cases regarding alienation of the lands assigned to an Ex-Serviceman and having noticed that certain illegalities are taking place, the Government issued consolidated orders in G.O.Ms.No.307, dated 06.06.2013, which mandates for obtaining 'No Objection Certificate' from the District Collector. He further submits that since some directions are issued to the Collectors vide G.O.Ms.No.307, for issuance of No Objection Certificates there may be some procedural delay in considering the representation of the petitioner.

Having regard to the submissions made and perusal of the record reveals that as per the guidelines prescribed under G.O.Ms.No.307, dated 06.06.2013, the petitioner has made a representation to the 2nd respondent on 11.12.2014 for issuance of 'No Objection Certificate' for alienation of his assigned land. However, the 2nd respondent-District Collector has not initiated any action on the representation of the petitioner though a period of four months elapsed from the date of representation of the petitioner. Therefore, the 2nd respondent is directed to follow the G.O.Ms.No.307, dated 06.06.2013 scrupulously and consider the representation of the petitioner and pass appropriate orders, as warranted by law, within a period of three (03) weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

CHALLA KODANDA RAM, J

Dated:09.04.2015.

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