

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA

PRADESH
(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JULY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No. 21271 of 2015

BETWEEN

M.Sudhakar Reddy

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary (Department of Revenue), A.P. Secretariat Building, Hyderabad and others.

...RESPONDENTS

The Court made the following:

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ORDER:-

Heard.

2. One Mr. M. Pattabhirami Reddy, through whom the petitioner claims land in survey No.531/2 admeasuring Ac.3-94 cents in Peruru Village, Tirupati Rural Mandal, states that the aforesaid land was allotted to Mr. Pattabhirami Reddy on 31.10.1978 under the category of political sufferer. Petitioner intends to alienate the said land, as per the Will of the said assignee dated 22.02.2007 to the extent of another Ac.1-15 cents in the said survey number. Since the petitioner approached respondent No.3, he sought

clarification from the Tahsildar on 30.04.2013. Meanwhile, petitioner also produced a certificate of the Tahsildar/Mandal Revenue Officer certifying that it is alienable after ten years. On the request of the Sub-Registrar, referred to above,

the Tahsildar already clarified on 13.05.2013 that the said assignment is genuine and the assignment was made to M.Pattabhirami Reddy under the category of political sufferer.

3. Petitioner questions the no objection certificate (NOC) insisted upon by respondent No.3 for registration of the sale deed presented by the petitioner relating to the said land. After hearing learned counsel for the petitioner and learned government pleader, it is evident that G.O.Ms.No.307, deals with two category of cases i.e., freedom fighters and ex-servicemen to whom assignments were made. Hence, such assignment lands are alienable after ten years moratorium. However, the respective assignee/vendor has to approach the competent authority specified in the said GO for grant of NOC. Thus all the other orders passed by this court in the matter of grant of NOC would not cover cases of these two categories cases viz., ex-servicemen and freedom fighters.

4. Petitioner states that he has already approached the Collector under representation dated 22.06.2015 requesting him to grant NOC. The said request of the petitioner is stated to be pending with the Collector.

5. In view of the financial hardship mentioned by the petitioner and necessity expressed, the writ petition is disposed of directing respondent No.2 to consider petitioner's aforesaid request in terms of G.O.Ms.No.307 and issue necessary orders expeditiously preferably within four weeks from the date of receipt of a copy of this order.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

July 10, 2015
LMV