

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.16538 of 2015

BETWEEN

Maruri Jagan Mohan Reddy

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by Principal Secretary, Revenue
Department, Secretariat, Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioner: MR. GANDURI NAGESWARA RAO

Counsel for the Respondents: GP FOR REVENUE (AP)

The Court made the following:

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ORDER:

Heard.

2. Petitioner intends to execute a document of conveyance relating to Plot No.17/A in Survey No.289 of Lam Village, Tadikonda Mandal, Guntur District. It is stated that the said land is included by respondent No.4 in the list of prohibited categories and thereby, the Registrar is not receiving the documents proposed by the petitioner. It is stated that originally the said land belongs to ex-servicemen, who was allotted Ac.4-97 cents in survey Nos.246 and 289 of Lam Village. However, the then Tahsidlar, Tadikonda, examined the matter and on finding that more than ten years have lapsed from the date of assignment, which was under D.K.T.No.34/82, certified that the

ex-service men is entitled to alienate the said land. Based on that Certificate, petitioner's vendor stated to have purchased the land and obtained sale deed to the extent of Ac.3-57 cents on 04.02.2000, which was also registered. The said vendor is stated to have developed the land and converted into plots and petitioner purchased one of the said plots viz., plot No.17/A. Since the petitioner seeks to sell the said land, the registering authorities has required the petitioner to obtain No Objection Certificate (NOC) as the same is ex-servicemen's land. Present writ petition is filed seeking relief for directions to the Registrar to register the documents without insisting on NOC.

3. Evidently, on the basis of the NOC issued by the then Tahsildar, dated 06.11.1999, petitioner's vendor purchased Ac.3-57 cents of land on 04.02.2000 and the same was also registered. However, presently when the petitioner intends to sell his plot, the policy of the Government has undergone a change and G.O.Ms.No.307, dated 06.06.2013 is in force now where a different mechanism is provided for grant of NOC. To the extent of petitioner's plot, the value of which is less than Rs.50,00,000/-, the District Collector is the competent authority. Petitioner has, therefore, to apply for NOC before the District Collector by setting out the grounds on which he seeks NOC and then it is for the District Collector to consider the said request and pass appropriate orders.

4. In view of the above, while declining the relief, as prayed for, by the petitioner, writ petition is disposed of permitting the petitioner to make appropriate application before the District Collector for grant of NOC under G.O.Ms.No.307, whereupon the District Collector shall examine the said request and pass appropriate orders expeditiously.

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

VILAS V. AFZULPURKAR, J

July 2, 2015

Note:- Registry to mark a copy of the order to the District Collector, Guntur.

**{B/o}
LMV**