

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.25441 of 2015

ORDER:

Heard.

The petitioner states that she has purchased the land assigned to ex-serviceman one Joseph admeasuring Ac.0-03 cents vide Plot No.77, in Sy.No.237/3 situated at Mallampeta Village, Bosenagar Colony, Bobbili Town, Vizianagaram District. The said house site was said to have been allotted to the said assignee in the year 1984 and the petitioner's vendor purchased the said land on 28-02-2015 vide registered Sale Deed Document No.1344/2005 and thereafter, the petitioner purchased the said land. Since the petitioner's vendor purchased the land in question after 21 years of assignment, the petitioner claims that under condition No.9 of the patta granted to the said Joseph, there is no impediment in purchasing the same by the petitioner from her vendor.

The grievance of the petitioner in this writ petition is that when the document of sale is presented to the 4th respondent, he refused to entertain the same and insisted her to produce NOC.

Learned Government Pleader has furnished a copy of G.O.Ms.No.307, dated 06-06-2013. The said G.O. gives comprehensive guidelines relating to issuance of 'No Objection Certificate' permitting sale of assigned lands allotted to ex-serviceman, freedom fighters or their legal heirs. The said G.O. is issued in supercession of earlier G.Os.

Apparently, the petitioner being a purchaser of an assigned land from the vendee of the ex-serviceman, the petitioner has to make appropriate application under G.O.Ms.No.307, dated 06-06-2013. Though the petitioner states that her vendor purchased the land after 21 years of assignment and thereafter, she purchased the same, still it is for the authority concerned to consider the request of the petitioner and pass appropriate orders in terms of G.O.Ms.No.307.

The writ petition is, therefore, disposed of giving liberty to the petitioner to make appropriate application before the District Collector, Vizianagaram, for grant of NOC and if any such application is received, the District Collector shall consider the same on merits in terms of G.O.Ms.No.307 and pass appropriate orders expeditiously and subject to the orders that would be passed by the District Collector, the 4th respondent would consider the registration of document presented by the petitioner.

Hence, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Registry to mark a copy of this order of the District Collector, Vizianagaram.

VILAS V.AFZULPURKAR, J

Date: 17-08-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.25441 of 2015

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Prv