

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.25862 OF 2016

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the order passed by the 3rd respondent – District Registrar, in Appeal No.09 of 2015, dated 13.11.2015, confirming the orders of the 4th respondent– Sub Registrar, Srikalahasthi, Chittoor District, in P.No.80/2014, dated 06.04.2015, refusing to register the land admeasuring Ac.2.00 cents out of Ac.4.00 cents in Survey No.352/3 situated at Merlapaka Village, Yerpedu Mandal, Chittoor District.

2. Heard Sri G.Nageswara Rao, learned counsel, appearing for the petitioner and learned Government Pleader for Revenue (AP), appearing for the respondents.

3. According to the petitioner, one Sri Kasala Nagarajan, was assigned an extent of Acres 4.00 cents in Survey No.352/3, situated at Merlapaka Village, Yerpedu Mandal, Chittoor District, under Ex-serviceman quota on 28.06.1992 and his possession was recognized by the Revenue Department and issued pattadar passbook in his favour. The said Kasala Nagarajan, with an intention to sell the said property in favour of the petitioner, presented a document before the 4th respondent – Sub-Registrar, Srikalahasti, on 13.10.2014 and the 4th respondent received the same and had given P.No.80/2014 and the 4th respondent refused to register the said document on the ground that No Objection

Certificate is mandatory for registration as per G.O.Ms.No.307, Revenue (Assignment – I) Department, dated 06.06.2013 from the District Collector. The said order of refusal was passed by the 4th respondent on 06.04.2015. Aggrieved by the said order of refusal, petitioner herein preferred Appeal before the 3rd respondent- District Registrar, Tirupati and the 3rd respondent – District Registrar, passed an order, on 13.11.2015, confirming the order of refusal passed by the 4th respondent – Sub-Registrar. The said orders are under challenge in the present writ petition.

4. As evident from the orders impugned, the respondent authorities refused to register the document in view of the instructions of the State Government, vide G.O.Ms.No.307, dated 06.06.2013. During the course of hearing, it is brought to the notice of this Court that the State Government in supersession of the G.O.Ms.No.307, dated 06.06.2013, issued an order vide G.O.Ms.No.279, dated 04.07.2016. Paragraph No.6 of the said G.O.Ms.No.279, reads as under:

“6. Accordingly, Government after careful examination of the matter, issue the following orders in supersession of the orders issued in G.O.Ms.No.307, Revenue (Assn.I) Department, dt.06.06.2013:-

- (i) The procedure of issuing ‘NOC’ shall be dispense with. There shall be no need for obtaining ‘NOC’ in all cases of assignment of Ex-Servicemen and Freedom Fighters in which a period of 10 years has expired and there is no dispute on the land with the Government.*
- (ii) All such cases without dispute shall be deleted from the prohibitory list under Section 22-A of Registration Act, 1908 and furnished to the Registration Department.*
- (iii) In respect of cases in which there is a dispute*

with Government about the genuineness of the assignment or otherwise a list of such cases shall be prepared by District Collector and furnished to Registration Department by following the procedure U/s.22-A. The Sub-Registrar shall enter the details of such disputed lands in the online records deleting all other lands in which there is no dispute.”

5. While referring to the above paragraph, it is the submission of the learned counsel for the petitioner that in terms of the above G.O.Ms.No.279, dated 04.07.2016, there is no necessity, now, to produce No Objection Certificate. It is further requested by the learned counsel for the petitioner that the petitioner herein may be permitted to submit the documents, which he earlier submitted and refused by the respondent authorities. This Court considers the said request as reasonable.

6. For the aforesaid reasons, Writ Petition is disposed of, directing the petitioner herein to resubmit the subject documents for consideration of the respondents for registration and further process, in accordance with G.O.Ms.No.279, dated 04.07.2016. If any such document is filed, the respondent authorities shall consider the same, in accordance with the instructions issued by the Government vide G.O.Ms.No.279, dated 04.07.2016 and take appropriate action, in accordance with law.

7. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

12.08.2016
SS

Note: issue C.C. in one week.

B/o. SS