

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 24795 of 2016

ORDER:

The case of the petitioners, as set out in the affidavit filed in support of the Writ Petition, is that their father Sri Akula Narasimha Murthy, who served the Indian Army, was assigned the land in an extent of Acs.2.50 cents in Survey No. 468/5 situated at Chandragudem Village, Mylavaram Mandal, Krishna District in 1970. Supporting the said factum, the ryotwary passbooks issued in favour of the said Narasimha Murthy have been annexed to this Petition. After the death of their father, it is stated that the petitioners have been in peaceful possession and enjoyment of the said land. Now, the petitioners intend to dispose of the subject property. In that connection, the 4th respondent Sub-Registrar, when approached for getting the sale deed registered in favour of the intending purchaser, has insisted the petitioners to obtain the 'No Objection Certificate' (NOC) from the revenue authorities. Questioning the same, the petitioners have filed this Writ Petition.

Learned counsel for the petitioners would rely upon G.O.Ms. No. 279, Revenue (Assn.I) Department, dated 04.07.2016 to contend that 'NOC' need not be obtained in cases where the property is sought to be alienated beyond the period of ten years of its assignment.

Heard learned Government Pleader for Revenue (Andhra Pradesh).

Admittedly, the father of the petitioners had been assigned the subject land as back as in 1970. The guidelines issued by the government in G.O.Ms. No. 279, dated 04.07.2016, in particular Clause 6, would, in clear and categorical terms, say that *"the procedure of issuing 'NOC' shall be dispensed 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."*

In this view of the matter, the 4th respondent shall receive the sale deed to be submitted by the petitioners and within four weeks thereafter, the same shall be registered, if it is otherwise in order, without insisting on production of 'No Objection Certificate' from the revenue authorities.

With this, the Writ Petition stands allowed. No costs.

Consequently, the Miscellaneous Applications, if any shall stand disposed of.

CHALLA KODANDA RAM, J.

26th July 2016

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