

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 24973 of 2016

ORDER:

The case of the petitioners, as set out in the affidavit filed in support of the Writ Petition, is that they are the absolute owners of the agricultural land admeasuring Ac.2-50 cents and Ac.2-45 cents respectively situated in Sy.Nos.1527/5, 1527/6 and 1527/9 of Tadikallapudi Revenue Village in Kamavarapukota Mandal of West Godavari District, having purchased the same under registered sale deeds dated 17.04.2013 from their vendor Datla Venkata Subba Raju. Originally, the father of their vendor viz., Datla Rama Raju, was assigned the agricultural land admeasuring Ac.5-00 cents under Ex-service men quota on 30.06.1989 and he executed a registered settlement deed dated 13.04.2010 for an extent of Ac. 4-95 cents in favour of their vendor Datla Venkata Subba Raju. It is further submitted that after purchasing the said land their names have been mutated in the revenue records and they have been in possession and enjoyment of the same. Now, the petitioners intend to dispose of the subject property. In that connection, the 5th respondent Sub-Registrar, when approached for getting the sale deeds registered in favour of the intending purchasers, 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, one Datla Rama Raju, who is the father of the petitioners' vendor, had been assigned the subject land as back as in 1989. 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 5th respondent shall receive the sale deeds 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.

Date:11.08.2016
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