

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.841 of 2016

-

ORDER:

The petitioner claims to be an ex-serviceman granted D-Form patta in the year 2005. The petitioner intends to sell the land in question as ten years moratorium period is expired long back. However, since the document is not being received and processed by the 3rd respondent, the present writ petition is filed questioning Condition No.1 of Patta, which restrains alienation of the assigned land.

Learned counsel for the petitioner submits that the petitioner may be permitted to obtain appropriate permission under G.O.Ms.No.307, dated 6.6.2013, by approaching the District Collector.

Heard the learned Government Pleader for Revenue.

Prima facie, I am not inclined to permit the petitioner to urge the contentions with respect to Condition No.1 of patta in view of acquiescence clearly evident on the part of the petitioner.

Admittedly, the petitioner has accepted the said conditional assignment and has enjoyed the land in question from 2005 till now and now he proposed to sell the same. Hence, the petitioner was clearly acquiesced with the conditions under which patta was granted. It is, therefore, not open for him to question the conditions of assignment patta, after lapse of so many years.

Consequently, however to the extent of the alternative prayer of the learned counsel for the petitioner, I am inclined to consider the same as the Scheme under the aforesaid G.O. permits the District Collector to examine such request and in appropriate cases, the District Collector would grant necessary permission. It is, therefore, open to the petitioner to make appropriate application under the aforesaid G.O. before the District Collector. This Court hope and trust that as and when the application is made, the District Collector would examine the same on its own merits and take

appropriate decision expeditiously.

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

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 07-01-2016

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.841 of 2016

07-01-2016

Prv