

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.17515 OF 2016

ORDER :

The case of the petitioners is that they are the owners and possessors of the lands admeasuring Ac.1.80 cents covered by Sy.No.89/4 situated at Kurumannapalem Village, Gajuwaka Mandal, Visakhapatnam District. The petitioner's father-in-law filed O.S.No.81 of 2002 for declaration of the sale deed executed in his favour as valid and the said suit was decreed on 24.03.2003 stating that the sale deed executed in his favour is valid, against which A.S.No.3597 of 2003 was filed and the same was dismissed confirming the judgment passed in the aforesaid suit. Thereafter, SLP No.10512 of 2011 was filed against the judgment in A.S.No.3597 of 2003. Meanwhile, the petitioners' father-in-law made an application dated 31.07.2004 to Tahsildar, Gajuwaka seeking to incorporate his name in the revenue records as possessor and to issue pattadar passbook basing on the decree passed in O.S.No.81 of 2002. When the same was dismissed by the MRO Gajuwaka, he filed W.P.No.24232 of 2004. During pendency of the said writ petition he expired and petitioners were brought on record as his legal heirs and the said writ petition was disposed of on 19.11.2009 directing the MRO to issue pattadar passbooks and title deeds in favour of the petitioners. But as the orders passed in the said writ petition were not implemented, petitioners filed contempt case No.1629 of 2010. The respondents to avoid the contempt, issued pattadar passbooks in favour of the petitioners with an endorsement "subject to outcome of the SLP". Thereafter, the SLP filed by the respondents dismissed on 11.07.2014. Subsequently, the petitioners made representation dated 16.06.2015 requesting the respondents to update the revenue records in the official website and delete the endorsement. As no orders are passed in the said representation, the

petitioners filed W.P.No.14092 of 2016 wherein this Court directed to issue contempt notice to the 4th respondent and thereafter the respondents 3 and 4 by order dated 20.05.2016 incorporated the names of the petitioners in the revenue records and also in the web site by changing classification of the land from Government land to Zeroity land and deleted the earlier endorsement in pattadar pass books and title deeds. Thereafter, when the petitioners presented the document of sale deed in respect of the subject land by paying requisite stamp duty and registration charges before the 6th respondent, the same is assigned as pending Document No.1035 of 2016. But the 6th respondent informed the petitioners to obtain No Objection Certification from the 3rd respondent for registration and release of the document. Though the 4th respondent furnished information on 30.10.2014 under Right to Information Act stating that the subject land is not notified under prohibition for registration list under Section 22 (A) 1 (a) of the Registration Act, the respondents without considering the same are insisting for NOC from the 3rd respondent. Hence the present writ petition is filed.

Learned counsel for the petitioners submits that the petitioners succeeded against the Government and the same was confirmed by the Supreme Court in SLP.No.10512 of 2011. He also submits that in pursuance to the orders passed in W.P.No.14092 of 2016, the respondents have incorporated the names of the petitioners in revenue records and also changed the classification of land from Government land to Zeroity land, in spite of the same, the 6th respondent is insisting for NOC, which is illegal.

Heard learned Assistant Government Pleader for Revenue.

In this case the petitioners have succeeded in the litigation against the Government before the Court below and the same was confirmed by the Apex Court. The respondents also vide proceedings

20.05.2016 incorporated the names of the petitioners in the revenue records and changed the classification of the subject land from Government land to Zeroity land in pursuance to the writ petition filed by the petitioners. In view of the same, the 6th respondent cannot refuse and insist for NOC for registration in respect of the land to an extent of 90 cents in Sy.No.89/4 situated at Kurumannapalem Village, Gajuwaka Mandal, Visakhapatnam District.

In view of the above, the 6th respondent is directed to register the document presented by the petitioners in respect of the land to an extent of 90 cents in Sy.No.89/4 situated at Kurumannapalem Village, Gajuwaka Mandal, Visakhapatnam District without insisting the petitioners for NOC, if the documents are otherwise in order as per the Stamps and Registration Act and Rules made thereunder within a period of two (2) weeks from the date of receipt of copy of this order.

Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

10.06.2016

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