

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.31736 OF 2016

ORDER :

It is the case of the petitioner that originally one Mr. Sanka Venkata Narasimha Rao, who is the ex-serviceman was assigned land to an extent of Ac.1.40 cents of land in Sy.No.246, Lam Village, Tadikonda (Mandal), Guntur District under Ex-servicemen vide DK Patta No.34/82, dated 30.09.1972 . He sold the said land to an extent of Ac.1.00 in Sy.No.246 to one Malleswari vide registered sale deed No.2121/1984 dated 07.03.1984 for valuable consideration. The then Tahsildar also issued pattadar pass books and title deed to the extent of Ac.1.00 in favour of Malleswari and also for an extent of Ac.0.40 cents in favour of the original assignee i.e., Venkata Narasimha Rao. After the death of Malleswari, one Sita Devi, who is the legal representative executed registered sale deed in favour of the petitioner vide document No.2186/2003, dated 03.09.2003 to the extent of Ac.0.25 cents and also executed another registered sale deed vide document No.2187, dated 20.09.2003 for the remaining land of Ac.0.75 cents. Thus the petitioner is the absolute owner of the land to an extent of Ac.1.00 cents and Tahsildar also issued pattadar pass book vide No.917811. It is stated that the original assignee also sold the remaining land of Ac.0.40 cents through registered sale deed vide document No.3943/2007, dated 20.10.2007. It is further stated that the then Mandal Revenue Officer, Tadikonda also issued No Objection Certificate vide L.Dis.611/99-B, dated 06.11.1999 stating that Sri S.V.Narasimha Rao, S/o.Venkata Raja Rao, Ex-service

man, Hyderabad was assigned an extent of Ac.4.97 cents in Sy.No.246 and 289 of Lam Village, Tadikonda (M), vide D.K.No.34/82 and in terms of G.O.Ms.No.1117 Rev (Assignment-I) Department dated 11.11.1993, the land assigned to ex-service man is alienable/saleable. In view of the said NOC, the petitioner purchased the land through registered sale deed and he is in enjoyment of the same for the last 13 years. When the petitioner intends to sell the land in Sy.No.246 to an extent of 0.30 cents, the 5th respondent refused to receive the same and register and directed the petitioner to produce the NOC from the revenue authorities apart from NOC vide L.Dis.No.611/99-B, dated 06.11.1999 issued by the Tahsildar, in view of G.O.Ms.No.279, dated 04.07.2016. Aggrieved by the same, present writ petition is filed.

2. Heard learned counsel for the petitioner, who submits that when once the period of ten years elapsed after assignment of land to Ex-Servicemen, Ex-Servicemen can sell the land to third parties. Accordingly, the original assignee namely Mr.Sanka Venkata Narasimha Rao is an Ex-serviceman, sold the property after ten years of assignment. He would further contend that the petitioner purchased the property through registered sale deeds and that by virtue of G.O.Ms.No.279, Revenue (Assn.I) Department, dated 4.7.2016, No Objection Certificate from revenue authorities is not required for the purpose of registration of land assigned to Ex-Servicemen, after a period of ten years of assignment. In support of his contention, he relied on the judgment of this Court in W.P.No.23523 of 2016 dated 27.07.2016.

3. On the other hand, learned Assistant Government Pleader for Revenue, basing on written instructions submits that though the land was assigned to Ex-Service Man, it was a conditional patta, as such, the same could not be alienated.

4. In this case, a perusal of the Patta in D.K.No.34/82, which is issued to Ex-service man, who is original assignee in this petition, there is a condition that the lands granted should not be alienated within a period of 10 years. Now, the G.O.Ms.No. 279, Revenue (Assn.I) Department, dated 4.7.2016 dispensed with obtaining No Objection Certificate after a period of 10 years for alienation of land assigned to the Ex-Servicemen. Moreover, the learned Assistant Government Pleader has not disputed granting of patta in respect of the subject land to the original assignee.

For the reasons alike in the order dated 27.07.2016 in WP No.23523 of 2016, this writ petition is disposed of directing the 5th respondent to receive and register the document presented by the petitioner for registration by taking into account the G.O.Ms.No. 279, Revenue (Assn.I) Department, dated 4.7.2016, in accordance with the Rules framed under the Registration Act, 1908, if the same is otherwise in order.

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

A.RAJASHEKER REDDY, J

21.09.2016
kvs

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.31736 OF 2016



Date: 21.09.2016

kvs

