

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 12238 OF 2017

ORDER:

It is the case of the petitioner that the land to an extent of Acs.2.11 cents in Sy.No.531/2A and Ac.2.88 cents in Sy.No.552/1A of Bandameedakamma Palli Village fields, Madanapalli Mandal, Chittoor District, was assigned in favour of the husband of petitioner by name late Varanasi Rama Chandra Reddy under Ex-Service Men quota through the assignment in D-Form patta, dated 14.08.2003. Since the date of assignment, the subject land is under possession and enjoyment of the petitioner and her husband by mutating his name in revenue records and pattadar pass books and title deeds were also granted in favour of her husband. While so, the husband of the petitioner died on 18.02.2017 and after his demise, the petitioner is in possession and enjoyment of the subject land. It is stated that as per G.O.Ms.No.1117, Revenue (Assgn-I) Department, dated 11.11.1993 and G.O.Ms.No.279, dated 04.07.2016, the assignees of the land assigned under Ex-service men quota are entitled to alienate the same in favour of third parties after expiry of ten years period from the date of assignment as long as the genuineness of the assignment is not in dispute. It is also stated in the G.O.Ms.No.279 that the land assigned under Ex-Service Men quota should be deleted from the prohibited lands list under Section 22-A of the Registration Act, 1908 and furnish the same to the Registration Department in all the cases where there is no

dispute of genuineness of the assignment and there is no dispute about the genuineness of the assignment in favour of the husband of the petitioner i.e., late Sri Varanasi Ramachandra Reddy. While so, when the petitioner in order to alienate the subject land, approached the 5th respondent, who in turn refused to entertain the same for registration stating that the as per the list communicated by the respondent No.3, the subject land is classified as Government land and same is prohibited for registration. Assailing the inclusion of the subject land in the list communicated by the 3rd respondent as Government land and the consequential action of the 5th respondent in refusing to entertain the sale deed for registration stating that the same is included in the list of Government lands, the present writ petition is filed.

Heard learned counsel for the petitioner, who submits that as per Full Bench Judgment of this Court in **Vinjamuri Rajagopala Chary v. State of Andhra Pradesh, rep. by Principal Secretary, Revenue Department, Hyderabad**¹, the District Collector is competent authority to send the list of prohibited properties under Section 22-A of the Registration Act, 1908 and that any list sent other than by District Collector has to be ignored. In the present case, the so-called prohibitory list is not sent by the District Collector, as such, the said list has to be ignored. He submits that the subject property is assigned to the husband of the petitioner under Ex-Service Men Quota on 14.08.2003. As per G.O.Ms.No.1117, Revenue (Assgn-I) Department, dated

¹ 2016(1) ALT 550 (F.B)

11.11.1993 an assignee is entitled to alienate the assigned land after period of ten years from the date of assignment. As per the said G.O, the government has also dispensed with grant of No Objection Certificate.

On the other hand, learned Assistant Government Pleader for Revenue submits that as per G.O.ms.No.279, dated 04.07.2016 the Sub-Registrar can verify the genuineness of the assignment and on after being satisfied with the same, he can entertain the sale deed.

In this case, the petitioner challenges the list communicated by the 3rd respondent-Sub-Collector mentioning the list of prohibited properties under Section 22-A of the Registration Act, 1908. On the face of it, the 3rd respondent is not competent as per judgment of this Court in **Vinjamuri Rajagopala Chary v. State of Andhra Pradesh, rep. by Principal Secretary, Revenue Department, Hyderabad (supra)** and same has to be ignored.

In view of the same, the writ petition is disposed of directing the 5th respondent to entertain the sale deed presented by the petitioner in respect of the subject land and register the same, if the same is in order as per Stamps and Registration Act and same is not included in the list of prohibited properties made by the competent authority in terms of judgment in **Vinjamuri Rajagopala Chary's case** referred to above, and also if no injunction order by any civil Court is pending against subject property, by duly taking into account G.O.Ms.No.279, dated 04.07.2016.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

07-04-2017
kvs



HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12238 OF 2017



Date: 07.04.2017

kvs

