

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4376 of 2017

ORDER:

The case of the petitioners is that they have granted assigned lands to an extent of Ac.5-00 guntas each in Sy.No.56/1 to 71/2 situated at Rompally Village, Ananthagiri Mandal, Visakapatnam District. Since the petitioners were assigned lands in the year 2004 and 2005, they are entitled to sell the same by virtue of G.O.Ms.No.1117 Revenue (Assignment-1) Department, dated 11-11-1993. But the Registering authorities are insisting for NOC from the Government. The Government also issued memo No.G1/1758/2016, dated 02-06-2016 not to insist for NOC for registering the documents and also deleting such lands from the prohibitory list under Section 22-A of the Registration Act (for short "the Act"). In spite of that, the respondent-authorities are insisting for NOC for registration of the documents presented by the petitioners. Aggrieved by the said action, the present writ petition is filed.

Heard learned counsel for the petitioners.

Learned Assistant Government Pleader for Revenue submits that the material filed by the petitioner goes to show that the pattas were not granted to them under Ex-servicemen quota. But learned counsel for the petitioners

submits that on the date of assignment, the petitioners were all Ex-servicemen.

The fact that Ex-servicemen can dispose of the lands after a period of 10 years from the date of assignment and it is not disputed and the Government itself issued G.O.Ms.No.1117, dated 11-11-1993 and circular dated 02-06-2016 in Memo No.G1/17587/2016 is also issued to that effect. The Government also issued GO.Ms.No.279, dated 04-07-2016, which dispenses with the procedure of issuance of NOC in all cases of assignment of ex-servicemen, in which a period of 10 years has expired from the date of assignment and also recites that all such lands can be deleted from the prohibitory list under Section 22-A of the Registration Act.

Now the only dispute is that the petitioners were granted assigned lands under Ex-Servicemen quota or not. As on today, no refusal orders are passed by the 3rd respondent.

In view of the same, the petitioners can approach the 3rd respondent and present the documents for registration and the 3rd respondent is obligated to receive the same and if he wants to refuse, he shall record reasons under Section 71 of the Act. Otherwise register the same, if the same are in order as per the Registration Act and Stamp Act and rules made thereunder. In such a case, it is for

the 3rd respondent to examine the aspect, whether the petitioners were granted pattas under Ex-servicemen quota or not. This can only be done, if the petitioners present documents before the 3rd respondent and the 3rd respondent also take that aspect into account, while entertaining the documents for registration.

With the above directions, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

09-02-2016
Nvl

A.RAJASHEKER REDDY,J





