

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.14311 of 2017

ORDER:

Heard the learned counsel for the petitioner and learned Government Pleader for Assignment, appearing for the respondents.

2. Petitioner has filed this Writ Petition challenging the endorsement dt.06-06-2016 issued by 6th respondent keeping the document presented by the petitioner for registration pending, on the ground that the genuineness of the ex-serviceman patta, granted to the original assignee, who sold the land to the petitioner on 08-03-2002, is to be verified. Petitioner contends that the assignment in favour of her predecessor in title under the ex-serviceman category was made on 31-05-1978, that he died subsequently and then his legal heirs sold the property to the petitioner under registered sale deed dt.08-03-2002.

3. Learned counsel for the petitioner contends that the lands assigned under ex-serviceman category are permitted to be sold ten years after the date of assignment and since in the present case, the sale is made, long after that time, the sale in favour of the petitioner is valid and 6th respondent cannot refuse to register it on the ground that it is included in the prohibitory list.

4. The 6th respondent filed counter stating that the subject land was assigned to the original assignee ex-serviceman on

31-05-1978 and that there is a necessity to obtain No Objection Certificate from the competent authority of the Revenue Department.

5. Learned Government Pleader for Assignment admits that such condition has been dispensed with in G.O.Ms.No.279 dt.04-07-2016 issued by the State Government and that an ex-serviceman can sell the land assigned to him ten years after the assignment. Since the sale in favour of the petitioner by the original assignee's legal heirs was more than ten years after the date of assignment, the sale is perfectly valid as per the above G.O. and once such a sale took place, the land could not have been included in the prohibitory list communicated by 2nd respondent to 6th respondent.

6. Therefore, the Writ Petition is allowed; the impugned endorsement issued by 6th respondent is set aside; the 2nd respondent is directed to delete the subject property from the list of prohibited lands communicated by him to 6th respondent forthwith; and 6th respondent is directed to proceed to register the document presented by the petitioner strictly in accordance with the provisions of the Registration Act, 1908 and the Indian Stamp Act, 1899, within four weeks. No costs.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 15-12-2017
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