

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4847 OF 2017

O R D E R

The case of the petitioner is that he was allotted agricultural land admeasuring Ac.2-00 cents in Sy.No.177-A6 and Ac.2.94 cents in Sy.No.4/1 at Devarajugattu Village, Peddaraveedu Mandal, Prakasham District by the 4th respondent vide proceedings dated 20.01.2005 under Army quota and his name was also mutated in the revenue records. While so, with an intention to sell the land, the petitioner approached the 5th respondent for registration of the subject land to the third parties. But to register the subject lands, the 5th respondent insisted the petitioner for submission of Genuine Certificate/No-Objection Certificate. The petitioner was also granted D-Patta by the 4th respondent in the year 2005 and as per G.O.Ms.No.307 Revenue (Assignments-I) Department, dated 06.06.2013, the 2nd respondent is the competent authority to issue Genuine Certificate/NOC. In view of the same, the petitioner submitted a representation dated 27.10.2016 to the 2nd respondent for issuance of Genuine Certificate/No Objection Certificate. As no orders are passed by the 2nd respondent so far, the present writ petition is filed.

Learned counsel for the petitioner submits that the petitioner was assigned land under Army-quota while he was in service and was also granted D-patta in respect of the said land in the year 2005, which goes to show that 10 years period elapsed and there is no prohibition for alienation of the subject land. As

such, there cannot be any prohibition for transfer of the same. He further submits that as per G.O.Ms.No.279 dated 04.07.2016, though there is no need to obtain NOC for registration of the assigned lands allotted to Ex-servicemen, the 5th respondent is insisting for submission of the same.

Heard the learned Assistant Government Pleader for Revenue.

G.O.Ms.No.279 dated 04.07.2016 reads as follows:

“(i) The procedure of issuing ‘NOC’ shall be dispense with. There shall be no need for obtaining ‘NOC’ in all cases of assignment of Ex-Servicemen and Freedom fighters in which a period of 10 years has expired and there is no dispute on the land with the Government.

(ii) All such cases without dispute shall be deleted from the prohibitory list under Section 22-A of Registration Act, 1908 and furnished to the Registration Department.

(iii) In respect of cases in which there is a dispute with Government about the genuineness of the assignment or otherwise a list of such cases shall be prepared by District Collector and furnished to Registration Department by following the procedure u/s 22-A. The Sub-Registrar shall enter the details of such disputed lands in the online records deleting all other lands in which there is no dispute.”

It is to be seen that as per G.O.Ms.No.279 dated 04.07.2016, the issuance of NOC is dispensed with in respect of assigned lands to the Ex-service men.

In view of the above facts and circumstances, the 5th respondent is directed to consider the case of the petitioner and entertain the document submitted by the petitioner and register the same in terms of G.O.Ms.No.279 dated 04.07.2016, if the same is in order as per the Indian Stamp Act, 1899 and the

Registration Act, 1908 and the Rules made thereunder. Otherwise he shall record the reasons for refusal of the registration.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

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

A.RAJASHEKER REDDY,J

Date: 20.03.2017
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