

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.6187 of 2017

ORDER:

It is the case of the petitioner that he is the owner and possessor of land to an extent of Acs.4-20 cents in Sy.No.1047-2 situated at Budili Village, Gorantla Mandal, Anantapur District having purchased the same from Oolakkagari Adeppa and others through registered sale deed dated 05-02-2016. Since the date of purchase, the petitioner is in possession and enjoyment of the same. Infact the vendors of the petitioner have acquired the subject land by way of registered partition deed dated 01-05-2012. In pursuant to the partition, the pattadar pass books and title deeds were issued in favour of the vendors of the petitioner. That the petitioner submitted Form VI-A for issuance of pattadar pass books and title deeds in respect of above land. In that regard, the 4th respondent issued endorsement vide Rc.No.236/2016/B, dated 28-06-2016 and directed to obtain NOC from the District Collector, Anantapur since the subject land was assigned though prior to 1954 with conditional patta. The said endorsement is contrary to GOMs.No.1142, dated 18-06-1954 and earlier there was no

such condition preceded from non-alienation. Aggrieved by the same, present writ petition is filed.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

3. This Court had an occasion to deal with the same issue in WP.No.43778 of 2016.

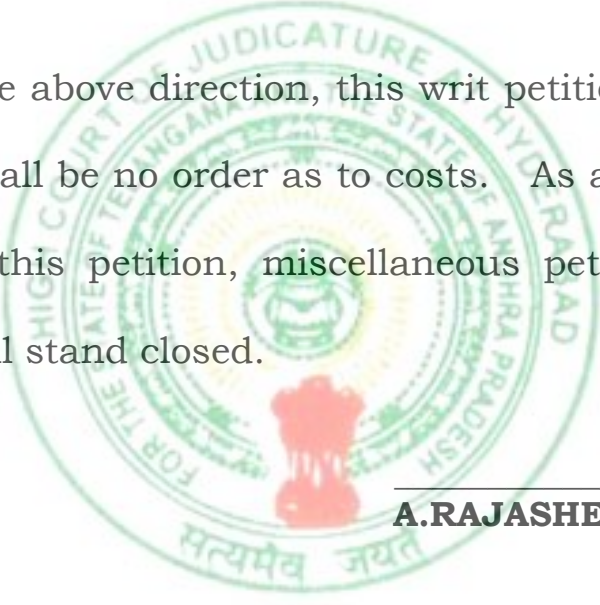
4. Learned counsel for the petitioner submits that when the subject property is registered in the name of the petitioner through registered sale deed, the question of obtaining NOC from the authorities does not arise. He further submits that when once the subject property is registered basing on the registered sale deeds, the 4th respondent is bound to implement the same in revenue records.

5. Learned Assistant Government Pleader for Revenue submits that NOC is required even if lands are assigned prior to issuance of GO.Ms.No.1142, dated 18-06-1054, if the property is already registered.

6. Now, it is to be seen that the petitioner purchased subject property through registered sale deed in the year 2016 and that the vendors of the petitioner have acquired the same through registered partition deed dated 01-05-2012 and the vendors of the petitioner were also granted pattadar pass books and title deeds. No provision of law and no rule is brought to the notice of this

Court requiring NOC from the District Collector for issuing pattadar pass books and title deeds, when once the petitioner is claiming the property under registered sale deeds. In view of above facts and circumstances, impugned endorsement dated 28-06-2016 of the 4th respondent is set aside and the 4th respondent is directed to consider the application of the petitioner for grant of pattadar pass books and title deeds within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this 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

15-03-2017
Nvl



