

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

**WRIT APPEAL No. 1925 of 2017
And
WRIT PETITION No.38930 of 2017**

Common Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P.M.P. No. 48299 of 2017 in W.P. No. 38930 of 2017 dated 17.11.2017.

The 1st respondent herein filed the W.P.M.P. seeking a direction to the Sub-Registrar, Madhurawada, Visakhapatnam to entertain the transactions notwithstanding the entry in the list under Section 22-A of the Registration Act, 1908 (for short 'the Act'). It is not in dispute that the 1st respondent herein is an Ex-serviceman; and he was assigned an extent of almost 5.00 acres of land.

The lands assigned to Ex-servicemen are permitted by the Government to be alienated ten years after the assignment. The contention of the learned Government Pleader for Revenue is that, since the land was assigned in favour of the 1st respondent-writ petitioner as a landless poor person and not as an Ex-serviceman, he is not entitled to seek the benefit of the GO which permits alienation of assigned land, by Ex-servicemen, after ten years. The matter appears to have been carried upto the Government, and the Principal Secretary remanded the matter to the District Collector before whom the matter is pending consideration as to whether or not the 1st respondent-writ petitioner, an Ex-serviceman, should be permitted to alienate the assigned land.

After arguing for some time, both the learned Government Pleader for Revenue, and Sri V.V. Satish, learned counsel for the 1st respondent-writ petitioner, would agree that, instead of passing an order in the appeal on merits, it would suffice if the Writ Petition itself is disposed of directing the 2nd respondent-District Collector to take further action, on the 1st respondent-writ petitioner's representation, in accordance with

the Government memo dated 18.7.2017 within six weeks from the date of receipt of a copy of this order. There shall be an order as agreed to by both the Learned Counsel.

Both the Writ Appeal and the Writ Petition are, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

GUDISEVA SHYAM PRASAD, J

18th December, 2017.

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