

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No. 38596 of 2017

ORDER:

Heard counsel for petitioner and the Government Pleader for assignment appearing for respondents.

2. Petitioner's grievance is that he had purchased the subject land admeasuring 250 sq. yards in survey No.1599/B of Mysoorivaripalli Gram Panchayat, Railway Kodur Village and Mandal of YSR Kadapa District under a registered sale deed dt.19.09.2006; that his vendor was a freedom fighter; that on 22.09.2006 itself the 2nd respondent has held that the land belonging to freedom fighters can be alienated; and that now when the petitioner wants to sell the subject land, 4th respondent has refused to register the same on the ground that the 2nd respondent has instructed that from 21.02.2007 the land in said survey number is included in the list prepared under Section 22A(1)(b) of the Registration Act, 1908 (for short 'the Act').

3. Counsel for petitioner contends that once the freedom fighters are held to be eligible to sell their lands after 10 years from the date of assignment of the lands to them, and thereafter alienation is made by freedom fighter in favour of the petitioner on 19.09.2006, which was confirmed by Certificate dt.22.09.2006 of the 2nd respondent and was

registered on 26.09.2006, the land ceases to be government land and could not have been included in the list notified under Section 22A of the Act,.

4. The Government Pleader for Assignment appearing for respondents does not dispute this legal position.

5. Therefore, this Writ Petition is allowed; the impugned proceedings of the 4th respondent refusing to register the document presented by the petitioner in respect of the subject land is set aside; and the 4th respondent is directed to receive and register the document presented by the petitioner, subject to compliance with other requirements of the Indian Stamp Act, 1899 and the Registration Act, 1908 by the petitioner without reference to the impugned order. This exercise shall be completed within a period of four (04) weeks from the date of submission of the document for registration by the petitioner to the 4th respondent. No costs.

6. Miscellaneous petitions, pending if any, shall stand closed.

M.S.RAMACHANDRA RAO, J

17th November, 2017.

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