

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.41428 OF 2017

ORDER:

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

2. The father of the petitioner is an ex-serviceman to whom the subject land was assigned on 09.08.1973. He intended to alienate the said land and sought market value certificate from the 5th respondent. But, the 5th respondent stated that the subject properties are included in the prohibited properties register communicated by the 2nd respondent to him.

3. Admittedly, the State Government has issued G.O.Ms.No.279, dated 04.07.2016, stating that ex-servicemen are entitled to alienate the lands assigned to them after expiry of ten years and such lands have to be excluded from the list of prohibited properties communicated under Section 22-A of the Registration Act, 1908 by the District Collector to the Sub-Registrar concerned. This legal position is not disputed by Government Pleader for Assignment who insists that the land continues to be the Government land and the same is entitled to be included in the list of prohibited properties. This stand of the Government Pleader for Assignment cannot be countenanced, since the said G.O. issued by the 1st respondent binds all the respondents.

4. The Writ Petition is accordingly allowed with costs of Rs.2,000/- (Rupees two thousand only) to be paid by the 1st respondent to the petitioner; the 2nd respondent is directed

to forthwith delete the subject land from the list of prohibited properties communicated by him to the 5th respondent; the 5th respondent is directed to accept any document presented by the petitioner for the purpose of alienating the subject land and register it strictly in accordance with the Registration Act, 1908 and Stamp Act, 1899 within a period of four weeks from the date of submission of the document by the petitioner. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:18.12.2017

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M.S. RAMACHANDRA RAO, J

