

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.40804 of 2015

ORDER:

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

2. It is the case of the petitioner that her husband was an Ex-Serviceman and he held the rank of 'Sapper' in Indian Army. He was discharged from service on 31.05.1978 and expired on 13.07.1997. As her husband was an Ex-Serviceman, he was assigned an extent of Ac.4.41 cents of land in Survey No.39/5 of Dibbidi Village, Butchayyapeta Mandal, Visakhapatnam District, by the then Mandal Revenue Officer in the year 1976. Since then, her husband has been in continuous possession and enjoyment of the same and his name was also recorded in the Record of Rights and Pattadar Passbook. After death of her husband, her name was entered in the revenue records. The said land can be sold after expiry of ten years and the same position was reiterated in G.O.Ms.No.1117, Revenue (Assignments-I) Department, dated 11.11.1993. Accordingly, the petitioner made an application on 17.04.2012 seeking issuance of No Objection Certificate to alienate the said property. The application of the petitioner was rejected on 11.10.2015 throwing burden on the petitioner to show that the said land was assigned under Ex-Serviceman quota. Challenging the same, the present Writ Petition is filed.

3. Now, learned counsel for the petitioner submits that the petitioner has documentary evidence to show that the land was assigned to her husband under Ex-Serviceman quota. He further submits that vide G.O.Ms.No.279, Revenue (Assn.I) Department,

dated 04.07.2016, while dispensing with issuance of No Objection Certificate in case of Ex-Serviceman, where the period of ten years has expired, it was also directed to delete said properties from Section 22-A of the Registration Act, 1905.

4. In view of the same, the impugned order, dated 11.10.2015, passed by the second respondent is set aside and the matter is remanded to the second respondent for passing fresh orders, after giving opportunity to the petitioner to submit evidence in support of her claim. The said exercise shall be completed within a period of three (03) months from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is allowed. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

FEBRUARY 23, 2018
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A.RAMALINGESWARA RAO, J

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Date: 23.02.2018

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