

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40362 of 2018

ORDER:

It is the case of the petitioner originally, the land in Sy.Nos.364/4 to an extent of Ac.0.99 cents, to an extent of 0.28 cents in Sy.No.464/7, to an extent of Ac.0.48 cents in Sy.No.364/14, to an extent of Ac.0.40 cents in Sy.No.397/1, to an extent of Ac.1.03 cents in Sy.No.406/1, to an extent of Ac.1.16 cents in Sy.No.364/12B and to an extent of Ac.0.63 cents in Sy.No.364/1E totalling an extent of Acs.4.97 cents, situated at Pemmadaipalli Village, Rayachoty Mandal, YSR Kadapa District was granted to one A.M.Basha under Ex-servicemen quota; that the said A.M.Basha sold the entire land to one Golla Siva Mallaiah vide registered sale deed document No.96/2012, dated 23.07.2012 for valid consideration of Rs.5,10,000/- as there is no prohibition for selling the property of Ex-servicemen after 10 years. After purchase, the said Golla Siva Mallaiah is in possession and enjoyment of the said property and that he was also issued pattadar pass book vide patta No.456 and title deed and mutated his name in revenue records; that the said Golla Siva Mallaiah intends to sell the land to an extent of 0.99 cents in Sy.No.364/4 and an extent of Ac.0.38 cents in Sy.No.364/14 out of the total Acs.4.97 cents and that the petitioner paid a sum of Rs.1,90,000/- as sale consideration and submitted document for registration, which was given pending registration number i.e., P.No.96 of 2017, dated 19.04.2017. It is stated that the vendors vendor of the petitioner i.e., original assignee, sold the property after obtaining 'No-objection Certificate' from the Tahsildar, Rayachoty vide NOC Certificate B/138/2012, dated 02.05.2012. In spite of the same, the 4th respondent passed refusal order on 16.09.2017 and against the same

appeal is filed before the 3rd respondent and that as on today, the same is pending without being considered.

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

Learned counsel for the petitioner submits that as on today, the subject property is not included in the list of prohibited properties and that sale transactions took place. He filed a copy of list of prohibited properties and contends that the subject property is not there in the said list.

Since, the appeal filed by the petitioner is stated to be pending before the 3rd respondent, without expressing any opinion on the merits of the case, the 3rd respondent is directed to consider the objections of the petitioner along with documents filed by him, after giving an opportunity of hearing, pass appropriate orders, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.RAJASHEKER REDDY, J

17-12-2018
kvs

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Date: 17.12.2018

kvs

