

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.43730 OF 2017

ORDER:

The petitioner states that he is an ex-serviceman and sought assignment of agricultural land in his favour. An extent of Acs.4.72 cents in Survey No.359/2 situated at Despatrunia Palem Village, Parawada Mandal, Visakhapatnam District, was assigned to him by the fourth respondent by proceedings, dated 25.01.1993 under ex-servicemen quota and thereafter, his name was mutated in revenue records and pattadar pass books were also issued in his favour. He submitted an application on 24.08.2007 to the respondents 2 to 4 for issuance of 'No Objection Certificate' in order to sell the land allotted to him for the purpose of his daughter's marriage and other family needs. An enquiry was conducted by the Assistant Revenue Inspector and he submitted a report. The fourth respondent, in turn, sent a report to the third respondent on 11.12.2008 admitting the facts stated by the petitioner. In spite of the report of the fourth respondent, the third respondent did not issue 'No Objection Certificate'. The petitioner filed W.P.No.21745 of 2012 and the said writ petition was disposed of on 18.07.2012 directing the Registering Authority to entertain the document and register the same without reference to Section 22-A of the Registration Act, 1908, if ten years have elapsed from the date of assignment. Thereafter, the petitioner submitted a Gift Deed on 27.06.2013 for registration before the fifth respondent and it was given pending Registration No.P110 of 2013. When the fifth respondent did not release the document, in spite of the directions in W.P.No.21745 of 2012, the petitioner submitted a representation on 28.12.2015 to the second respondent requesting to issue 'No Objection Certificate' and

the second respondent did not take any action. The fifth respondent has not been releasing the document, unless the property is deleted from the list prepared under Section 22-A of the Registration Act. In those circumstances, he filed the present writ petition challenging the inaction of the second respondent in passing the orders on the representation dated 05.08.2016 seeking deletion of the land of the petitioner from the list of prohibited properties under Section 22-A of the Registration Act.

This Court in **Vinjamuri Rajagopala Chary v State of A.P.**,¹ provided an opportunity to the aggrieved party to submit a representation for redressal of the grievance with regard to the properties wrongly included under Section 22-A of the Registration Act and the petitioner already submitted a representation in that regard on 05.08.2016. In view of the pending representation, the second respondent is directed to consider the same and pass appropriate orders within a period of eight weeks in order to enable the petitioner to take further steps with the fifth respondent.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

22.01.2018
pln

¹ 2016 (2) ALD 236 (FB) = 2016 (1) ALT 550 (FB)