

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.46133 OF 2018

O R D E R

The case of the petitioner is that the subject land was originally assigned to one SNarasimha Rao, s/o Venkat Rao under Ex-Servicemen quota vide B1/DKT 126/1394 dated 16-12-1984. As per G.O.Ms.No.1117, Revenue (Assign.) Department dated 11.11.1993, the land allotted to ex-servicemen, are free to sell the assigned land after a period of ten years from the date of allotment. The original assignee vide, proceedings of the Mandal Revenue Officer, Cuddapah in F.Dis.No.11/97 dated 21.01.1997, obtained NOC to sell the assigned land. Before execution of sale deed, he died on 30.03.2002 and subsequently his wife, who inherited the subject land, executed registered sale deed in favour of petitioner vide document bearing No.9322/2011 dated 31-12-2011 for an extent of Acs.3-14 cents in Sy.No.706/4 and the name of the petitioner was also entered in the revenue records. The case of the petitioner is that the Tahsildar CK Dinne, Kadapa also issued proceedings vide Ref.B/204/2012 to the SRO Kadapa Rural, showing the Sub-division of the survey number of the subject property. Now the grievance of the petitioner is that when she intends to sell the subject property to third parties, the Sub Registrar is refusing to register the same, and vide endorsement dated 09-03-2017 stated that the subject land is included in the list of prohibited properties under Section 22-A of the Registration Act, 1908 (for short 'the Act'). Aggrieved by the action of the respondents in including the subject land in the list of prohibited properties, the present writ petition is filed.

Heard the learned counsel for the petitioner.

Learned Assistant Government Pleader for Revenue, on instructions, did not dispute that factual aspects pleaded by the petitioner.

Government issued G.O.Ms.No.279 Revenue (Assn.I) dated 04-07-2016 and the relevant portion is as under:

“6. Accordingly, Government after careful examination of the matter, issue the following orders in supersession of the orders issued in G.O.Ms.No.307 Revenue (Assn.I) Department, dated 06-06-2013:--

- (i) The procedure of issuing ‘NOC’ shall be dispensed with. There shall be no need for obtaining ‘NOC’ in all cases of assignment of Ex-Servicemen and Freedom Fighters in which a period of ten years has expired and there is no dispute on the land with the Government.
- (ii) All such cases without dispute shall be deleted from the prohibitory list under Section 22-A of Registration Act, 1908 and furnished to the Registration Department.
- (iii) In respect of cases in which there is a dispute with Government about the genuineness of the assignment or otherwise a list of such cases shall be prepared by District Collector and furnished to Registration Department by following the procedure U/s 22-A. The Sub-Registrar shall enter the details of such disputed lands in the online records deleting all other lands in which there is no dispute.

7. The Spl. C.S. & Chief Commissioner of Land Administration and the District Collectors shall take further necessary action accordingly in the matter.”

From a reading of the above government order it is clear that the procedure of issuing NOC for sale of assigned land to ex-servicemen after a period of ten years from the date of assignment, has been dispensed with, and if there is no dispute on the land with Government, shall be deleted from the prohibitory list under Section 22-A of the Act.

Already proceeding in F.Dis.No.11/97 dated 21.01.1997 was issued by Mandal revenue Officer, Cuddapah, stating that subject land was assigned to ex-servicemen and granted ‘no objection certificate’ for sale and basing on same, registered sale deed was executed.

In view of above facts and circumstances, action of the respondents in including the subject land in the prohibitory list under Section 22-A of the Act, cannot be sustained and as such writ petition is

allowed, directing the 3rd respondent – District Collector, Kadapa, to cause deletion of the subject land from the prohibitory list under Section 22-A of the Act, within a period of one month from the date of receipt of a copy of this order.

Writ petition is accordingly allowed.

Interlocutory applications pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:31—12—2018

Avs

