

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.46497 of 2018

ORDER:

It is the case of the petitioner that the father of the petitioner by name late Bagi Appa Rao was allotted Acs.5.00 of land in Sy.No.336/P in Madhurawada Rural Mandal, Visakhapatnam District vide Rc.No.208/1979, dated 08.06.1979 under Ex-servicemen quota; that his father died on 26.12.1993 and he is only son of his father. After the death of his father, his mother late Bagi Lakshmi sought for NOC from the revenue authorities, for the purpose of selling the land. It is stated that in pursuant to the application made by the petitioner's mother, notification was also issued calling for objections for issuing NOC. Meanwhile, the Government has issued G.O.Ms.No.279, Revenue (Assignment I) Department dated 04.07.2016 for deletion of assigned lands from the list of prohibited properties after completion of ten years. Thereafter, petitioner made representation for deletion of subject land from the list of prohibited properties under Section 22-A of the Registration Act. The District Collector, vide proceedings dated 21.03.2018 directed the Tahsildar, Visakhapatnam Rural Mandal to submit the enquiry report along with check list through Revenue Divisional officer. But no action is being taken. Aggrieved by the same, present Writ Petition is filed.

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

Learned counsel for the petitioner submits that when once ten years period is completed after granting of patta under Ex-servicemen quota, the subject land cannot be included in the list of prohibited properties in terms of G.O.Ms.No.279 dated 04.07.2016. Moreover, the respondents have not taken any action for deletion.

In view of above facts and circumstances, the District Collector, Visakhapatnam-2nd respondent is directed to consider the application of the petitioner by taking all the aforesaid facts into consideration and delete the subject land from the list of prohibited properties under Section 22-A of the Registration Act, in terms of G.O.Ms.No.279, dated 04.07.2016, within a period of two months 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

21-12-2018
kvs

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Date: 21.12.2018

kvs