

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.R.P.No.286 of 2020

ORDER:

Heard the learned counsel for the petitioner. None appears for the respondents.

2. This Civil Revision Petition is filed aggrieved by the orders dt.23-01-2020 in C.F.R.No.128/1/2020 on the file of the Principal Junior Civil Judge, Sangareddy, sustaining objections dt.10-01-2020 for registering the suit of the petitioner.

3. Petitioner is the plaintiff and the respondents are the defendants in the above suit.

4. It is submitted by the learned counsel for the petitioner that the subject land was originally allotted to the 1st respondent by virtue of final patta certificate dt.23-11-1987 in his capacity as ex-serviceman. There was prohibition for a period of ten years for alienating the property and thereafter, the allottee-ex-serviceman is at liberty to alienate the property in terms of the judgment of this Court in W.P.No.12971 of 2012 dt.27-04-2012 and as per G.O.Ms.No.743 dt.23-11-1987 and G.O.Ms.No.1117 dt.11-11-1993. He further submits that the 1st respondent, after entering into an agreement of sale with the petitioner on 07-03-2007, again executed a sale deed in favour of respondent Nos.2 and 3. Hence, he filed the said suit for specific performance of agreement of sale.

5. Considering the said submissions, it is clear that already alienation has been taken place and third party interest has been involved and in view of the latest development and aggrieved by the same, the petitioner filed the said suit. Further, as contended by the learned counsel for the petitioner, the alienation took place after the period of ten years limitation, there is no bar for alienation of property as the allottee-ex-serviceman has become absolute owner and therefore, he is entitled for alienation. Hence, the objection raised by the Trial Court that the 1st respondent has to take permission of the Government to alienate the land in favour of petitioner is hereby overruled.

6. Accordingly, the Civil Revision Petition is allowed and the Principal Junior Civil Judge, Sangareddy, is directed to number the suit without raising any objections, if it is in order, in accordance with law. No costs.

7. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 06-03-2020
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