

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.3696 OF 2020

O R D E R

The case of the petitioner is that he is an ex-serviceman and vide proceedings of the 5th respondent – Tahsildar, in Rc.No.B/4440/01 dated nil-01-2001, Government assigned the subject land, in an extent of Acs.5-00 situated in Pagidipally village, Bhongir Mandal, Yadadri Bhongir Mandal District, under ex-servicemen quota, and ever since the date of assignment, he has been in possession and enjoyment, and his name has been entered in the revenue records and the Government of Telangana issued new pattadar pass book vide No.T30050230161 and Katha No.359.

As per G.O.Ms.No.117 Revenue (Assignment-I) Department dated 11.11.1993, the ex-serviceman is free to sell away the assigned land after a period of ten years. The further case of the petitioner is that he has three children i.e, one son and two daughters and he performed the marriage of one daughter, and he has to perform the marriage of his son and the other daughter, and for the said purpose, and for other domestic expenses, he intended to sell the assigned land and accordingly made an application to the 3rd respondent – District Collector, for issuance of No Objection Certificate (NOC) on 18.02.2019, and that the guidelines for issuance of NOC are stipulated under G.O.Ms.No.307, Revenue (Assignment.I) Department dated 06.06.2013.

In pursuance of his application, the 3rd respondent, vide Lr.No.439/2019 dated 23.02.2019, required the 4th respondent – Revenue Divisional Officer, to conduct enquiry and send report along with specific recommendations. The grievance of the petitioner is that, till date, NOC has not been issued. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner.

Learned Assistant Government Pleader for Revenue submits that G.O.Ms.No.743 Revenue Department dated 30.04.1963, provides for

assignment of agricultural land to ex-servicemen, but the patta granted to the petitioner vide Rc.No.B/4440/01 dated nil-01-2001, shows that it was granted under G.O.Ms.Nos.1406 dated 26.07.1958 and 1724 dated 26.03.1982, whereunder assignment will be made only to landless poor persons, as such the petitioner is not entitled for grant of NOC.

It is to be seen that the competent authority under G.O.Ms.No.307 dated 06.06.2013 is the 3rd respondent – District Collector and the application of the petitioner dated 18.02.2019 is pending before him, and the said authority also called for report from the 4th respondent – Revenue Divisional Officer vide letter dated 23.02.2019. Therefore, it is for the 3rd respondent - District Collector to consider the application of the petitioner.

In view of the same, without expressing any opinion on merits, the 3rd respondent is directed to dispose of the application of the petitioner dated 18.02.2019 for issuance of NOC, and take appropriate action in accordance with law, within a period of two months from the date of receipt of a copy of this order.

Writ petition is disposed of accordingly.

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

A.RAJASHEKER REDDY,J

DATE:25—02—2020
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