APHC010423822019

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3333]**
(Special Original Jurisdiction)

WEDNESDAY, THE 28th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 20440/2019

Between:

1. V. SRINIVASA RAO, , S/O VENKATESWARA RAO, 50 YEARS, RESIDENT OF D.NO. 1-98/9/A, ARUNODAYA COLONY, MADHAPUR, HYDERABAD.
2. V. SUBBAIAH NAIDU,, S/O SESHAIAH NAIDU, 77 YEARS, R/O GREEN PART APARTMENTS, D.NO. 14-3-303/7, D.R. MAHAL RCAD, TIRUPATHI, CHITTOOR DISTRICT.

...PETITIONER(S)

AND

1. THE STATE OF AP, REP.BY ITS PRL. SECRETARY, REVENUE (STAMPS AND REGISTRATION) DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DT
2. THE DIRECTOR GENERAL OF STAMPS AND REGISTRATION, IBRAHIMPATNAM, VIJAYAWADA, KRISHNA DISTRICT.
3. THE DISTRICT REGISTRAR, CHITTOOR, CHITTOOR DISTRICT.
4. THE SUB REGISTRAR, THOTTAMBEDU, CHITTOOR DISTRICT.
5. THE DISTRICT COLLECTOR, CHITTOOR, CHITTOOR DISTRICT.
6. THE TAHSILDAR, MANDAL REVENUE OFFICE, YERPEDU MANDAL, CHITTOOR DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be

pleased toto issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in including the lands in Sy.No.425/1 to 425/4 of Vikrutamala Village, Yerpedu Mandal, Chittoor District under the prohibitory list of Section 22-A of registration Act as illegal and contrary to G.O.Ms.No.743, dated 30-4-1963, 2) to declare the endorsement made by the 5th respondent vide Roc.F8/26/22 lands/YER/2018, dated 15-7-2019 as illegal, arbitrary and contrary to G.O.Ms.No.743, dated 30-4-1963, 3) to declare the endorsement No. Ni1/2019, dated 20-11-2019 issued by the registering authority contrary to the policy formulated by the 1st respondent to assign the lands to the personnel serving/served in defence services and consequently direct the respondents to register and release the document submitted for registration on 20-11-2019 vide endorsement No.1111/2019, dated 20-11-2019 by the registering authority,

IA NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to suspend the prohibitory list issued under Section 22-A of registration Act in respect of Sy.Nos. 425/1 to 425/4 of Vikruthamala Village, Yerpedu Mandal, Chittoor District, pending disposal of the W.P. before this Hon'ble Court,

IA NO: 2 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents 3 and 4 to register and release the documents submitted for registration on 20-11-2019 not withstanding the endorsement made by the respondents 3 to 5, pending disposal of the W.P

Counsel for the Petitioner(S):

1. DEVI PRASAD MANGALAPURI

Counsel for the Respondent(S):

1. GP FOR REGISTRATION AND STAMPS (AP)

The Court made the following:

ORDER:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

> *"…to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in including the lands in Sy.No.425/1 to 425/4 of Vikrutamala Village, Yerpedu Mandal, Chittoor District under the prohibitory list of Section 22-A of registration Act as illegal and contrary to G.O.Ms.No.743, dated 30.4.1963 (2) to declare the endorsement made by the 5th respondent vide Roc.F8/26/22 lands/YER/2018, dated 15.7.2019 as illegal, arbitrary and contrary to G.O.Ms.No.743, dated 30.4.1963, (3) to declare the endorsement No.Ni1/2019, dated 20.11.2019 issued by the registering authority contrary to the policy formulated by the 1st respondent to assign the lands to the personnel serving/served in defence services and consequently direct the respondents to register and release the document submitted for registration on 20.11.2019 vide endorsement No.Nil/2019, dated 20.11.2019 by the registering authority.…"*

2. The brief facts of the case are as follows:

a) One R.Balakoti, an Ex-Serviceman, served in the Indian Army for a period of 20 years. During his service, he was assigned land admeasuring Ac.2.30 cents in Sy.Nos.425/1 to 425/4 of Vikruthamala Village, Yerpedu Mandal, Chittoor District, vide DKT proceedings dated 22.04.2005. Since the date of assignment, he has been in peaceful possession and enjoyment of the subject land. Pattadar passbooks and title deeds were also issued in his

favour. Subsequently, when he enquired with respondent No.4, he came to know that the subject property had been included in the prohibitory list maintained under Section 22-A of the Registration Act.

b) Aggrieved by the same, R.Balakoti submitted a representation dated 10.12.2018 to the District collector, seeking deletion of the subject land from the prohibitory properties list, along with the connected records. As no orders were passed on the said representation, R.Balakoti filed W.P.No.5409 of 2019, wherein this Court, vide order dated 22.04.2019, directed as follows:

> *"…..to direct the 2nd respondent to consider the representation of the petitioner submitted on 10.02.2018 along with documents and also his online application submitted for deletion of his land from prohibitory order list maintained under Section 22A of the Act as per law and pass appropriate orders as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order."*

c) Pursuant to the said order, respondent No.5 considered the representation submitted by Mr.R.Balakoti but rejected the said request vide proceedings dated 15.07.2019, on the ground that the D-form patta was granted to him vide DKT No.479/4/1414, dated 22.04.2005, under the normal Darakhasth Rules but not under the Ex-Servicemen quota, as he was in service on the date of assignment and was discharged from service only on 31.07.2008.

d) The grievance of the petitioners is that, even prior to the filing of the present Writ Petition, their vendor, R. Balakoti, had sold the subject land in

their favour and received the entire sale consideration, on the premise that the land, having been assigned under the Ex-Servicemen quota, was alienable and there was no prohibition on its transfer. However, when the petitioners approached the registering authorities for obtaining a valuation certificate to get the sale deed registered in their favour, the Sub-Registrar, Thottambedu, issued an endorsement dated 20.11.2019, informing them that the subject land was classified as assigned land and included in the prohibitory list communicated by the District Collector, Chittoor District, and that its registration was prohibited under Section 22-A(1)(a) of the Registration Act, 1908, read with Section 5 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. Aggrieved by the aforesaid proceedings dated 15.07.2019 and endorsement dated 20.11.2019, the petitioners have filed the present Writ Petition.

3. The 4th respondent filed a counter-affidavit, admitting the factual aspects of the case. However, it is contended that, as the subject land was classified as assigned land and included in the prohibitory list under Section 22-A of the Registration Act, 1908, the registering authority has no authority to register and release the document presented by the petitioners.

4. No counter-affidavit has been filed on behalf of the 5th respondent/District Collector, who is the authority concerned with the inclusion of the subject land in the prohibitory list and the rejection of the request for its deletion.

5. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Registration and Stamps appearing for the respondents. Perused the material available on record.

6. On a perusal of the material placed on record discloses that the original assignee, R.Balakoti, was granted D-form patta on 22.04.2005 in respect of Ac.2.30 cents in Sy.Nos.425/1 to 425/4 of Vikruthamala Village while he was serving in the Indian Army and has discharged from service on 31.07.2008. The request for deletion of the subject land from the prohibitory list was rejected mainly on the ground that the assignment was made while he was in service and, therefore, it could not be treated as an assignment under the Ex-Servicemen quota.

7. In this regard, it is relevant to refer to B.S.O.15(II)(2)(ii), which provides for assignment of land to serving soldiers, subject to the condition that a member of the family of the serving soldier volunteers to undertake cultivation on his behalf. Thus, the Board Standing Order itself recognizes the eligibility of serving soldiers for assignment of land. Merely because the original assignee was in service on the date of assignment, the assignment cannot be treated as one made to a landless poor person under the normal Darakhasth Rules, without examining the nature and purpose of the assignment and the applicable Government Orders.

8. Further, G.O.Ms.No.1117, Revenue (Assignment-I) Department, dated 11.11.1993, permits alienation of lands assigned to Ex-Servicemen after

completion of ten years from the date of assignment. Subsequently, G.O.Ms.No.279, Revenue (Assignment-I) Department, dated 04.07.2016, dispensed with the requirement of obtaining No Objection Certificate for registration of lands assigned to Ex-Servicemen after completion of the prescribed period of ten years.

9. The Government, vide Memo No.24022/2014-Assn(s)2/2017, dated 28.02.2017, read with B.S.O.15(II)(2)(ii), has also clarified the eligibility of serving soldiers for assignment of land. Therefore, no distinction can be drawn between an assignment made to an Ex-Serviceman and an assignment made to a serving soldier.

10. Insofar as their eligibility of Ex-Servicemen for assignment of land is concerned, it is relevant to refer to the circular issued by the Chief Commissioner of Land Administration, Andhra Pradesh, vide CCLA's Lr.No.Assn.I(1)/350/2022, dated 04.05.2022, wherein guidelines were issued regarding assignments made to Ex-Servicemen/serving soldiers and deletion of such lands from the list of prohibited properties notified under Section 22-A(1) of the Registration Act, 1908.

> Para-6 of the said circular reads as follows:
>
> 6**. AP Assigned Land (Prohibition of Transfer) Act, 1977 not to**
>
> **apply**: It is clarified that in cases of assignment made to an ex-servicemen/serving soldier, it shall be presumed that the assignee ex-servicemen/serving soldier is not a “landless poor person” for the purposes of the AP Assigned Lands (Prohibition of Transfer) Act,

1977. It is reiterated that ex-servicemen/serving soldier will be eligible for the grant of land and extent of Ac.2-50 Cts. Wet land or Ac.5.00 Cts dry land provided that the total extent of land already owned plus the land assigned to him, shall not exceed Ac. 2.50 wet or Ac.5.00 dry as per G.O.Ms.No.743 Revenue Dept., dated 30.04.1963.

Hence, no assignment made to ex-service men, at any point of time, shall attract the provisions of the AP Assigned Lands (Prohibition of Transfer) Act, 1977. However, reiterated that no alienation of permitted in case of lands assigned to ex-servicemen/serving soldiers within ten years of assignment.

All assignments made to ex-servicemen, at whatever point of time were they have been made, shall be alienable Ten years after the date of assignment."

11. A reading of paragraph 6 of the said circular makes it clear that the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, do not apply to assignments made to Ex-Servicemen/serving soldiers, as such assignees are not treated as landless poor persons for the purposes of the said Act. It further clarified that lands assigned to Ex-Servicemen/serving soldiers are alienable after completion of ten years from the date of assignment. Thus, assignments made to Ex-Servicemen/serving soldiers are treated differently from assignments made to landless poor persons, and the restrictions imposed under the said Act do not apply to such assignments. However, the alienation of such lands is subject to the condition that they shall not be transferred within ten years from the date of assignment.

12. In the present case, the assignment was made in favour of the original assignee on 22.04.2005, when he was serving in the Indian Army. Therefore,

the said assignment has to be considered in the light of B.S.O.15(II)(2)(ii), the Government Memo dated 28.02.2017 and the circular issued by the Chief Commissioner of Land Administration dated 04.05.2022. The fact that the original assignee was discharged from service only on 31.07.2008 is, by itself, not a ground to treat the assignment as the assignment made to a landless poor person.

13. It is also relevant to note that this Court, under similar circumstances, in W.P.No.2047 of 2019, vide order dated 04.11.2022, considered the very same issue relating to assignment of land to a serving soldier and the subsequent inclusion of such land in the prohibitory list under Section 22-A of the Registration Act, 1908. After considering B.S.O.15(II)(2)(ii), G.O.Ms.No.1117, dated 11.11.1993, G.O.Ms.No.279, dated 04.07.2016, the Government Memo dated 28.02.2017 and the circular issued by the Chief Commissioner of Land Administration dated 04.05.2022, this Court held that an assignment made to a serving soldier cannot be treated as an assignment made to a landless poor person and that the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, would not apply to such assignment. Accordingly, this Court set aside the impugned proceedings and directed reconsideration of the claim in the light of the aforesaid circular and Government Orders.

14. The facts of the present case are similar to the facts in W.P.No.2047 of 2019. The respondents have not placed any material to show that the

assignment made in favour of the original assignee was not covered by the provisions applicable to serving soldiers. The request for deletion of the subject land from the prohibitory list was rejected only on the ground that the original assignee was serving in the Army at the time of assignment and that the patta was not granted under the Ex-Servicemen quota. Such a reason cannot be accepted in view of the relevant Board Standing Order, Government Orders and the clarification issued by the Chief Commissioner of Land Administration.

15. With regard to the alienability of the subject land, the assignment was made in favour of the original assignee on 22.04.2005, and the petitioners approached the registering authorities for registration of the sale deed on 20.11.2019, after the expiry of ten years from the date of assignment. Further, in view of G.O.Ms.No.279, dated 04.07.2016, obtaining a No Objection Certificate is not required after the expiry of the said period. Therefore, the refusal to register the document and inclusion of the subject land in the prohibitory list maintained under Section 22-A of the Registration Act, 1908, are not justified.

16. Accordingly, the Writ Petition is allowed, setting aside the impugned proceedings dated 15.07.2019 issued by respondent No.5 and the subsequent endorsement 20.11.2019 issued by respondent No.4. The respondents are directed to delete the subject lands in Sy.Nos.425/1 to 425/4 of Vikruthamala Village, Yerpedu Mandal, Chittoor District, from the prohibitory

list maintained under Section 22-A of the Registration Act, 1908, and to register and release the document presented by the petitioners, subject to fulfillment of other statutory requirements, if any. There shall be no order as to costs.

Consequently, all pending miscellaneous applications, if any, shall stand closed.

JUSTICE V.SUJATHA

Dated: 28.10.2026
KGR/GCD