

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND NINE

PRESENT
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY
WRIT PETITION NO : 9330 of 2009

Between:

- 1 M.Ramanna S/o. Late M.Narasimhulu
Raphadu(V) Anantapur District
- 2 M.Lakshamanna S/o. Late M.Narasimhulu
Raphadu(V) Anantapur District

..... PETITIONER(S)

AND

- 1 The District Collector Anantapur, Anantapur District
- 2 The Revenue Divisional Officer Anantapur, Anantapur District
- 3 The Tahasildar Raphadu(M) Anantapur District
- 4 The Joint Sub Registrar Anantapur, Anantapur District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not issuing

Counsel for the Petitioner: MR.N.ASWARTHA NARAYANA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

Form-NIC-OGS/WP{BMR}

HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.9330 of 2009

ORDER:

The petitioners are brothers. They claim to be the owners of

Ac.7.50 guntas of land in Sy.No.769-2 to 7 of Rapthadu village and Mandal, Anantapur District. It is stated that the grandfather of the petitioners was assigned that land in the year 1935 and thereafter, it has accrued to them. The petitioners intended to sell the land and accordingly, approached the Joint Sub-Registrar, Anantapur, the 4th respondent herein. On being insisted that the petitioners shall obtain the 'No Objection Certificate' from the District Collector, the 1st respondent, the petitioners submitted application. It is stated that on the remarks called for by the 1st respondent, respondents 2 and 3 have recommended positively. The grievance of the petitioners is that the 1st respondent has not issued 'No Objection Certificate' to them.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Since the land was assigned may be in the year 1935, the 4th respondent felt that the prohibition contained under Section 22-A of the Registration Act and Section 5 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 applies. Accordingly, he insists on submission of 'No Objection Certificate'.

A perusal of the letter dated 09-08-2007 addressed by the 2nd respondent discloses that he has recommended for issuance of 'No Objection Certificate'. The lands were assigned before issuance of G.O.Ms.No.1142, dated 18-06-1954, through which, the alienation of assigned lands was prohibited. More than one and half years have lapsed since the matter reached the table of the 1st respondent, it cannot be further delayed.

Hence, the writ petition is disposed of directing the 1st

respondent-District Collector, Ananthapur District, to pass orders in relation to the application made by the petitioners, within a period of six weeks from the date of receipt of a copy of this order. No costs.

30th April 2009

KVR