

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.33221 OF 2016

ORDER

The case of the petitioner is that his father served in Indian Army and was assigned the subject land under Ex-serviceman quota in Form D vide D.R.No.144/1965 dated 9.7.1966 and since then he has been in possession. Government issued G.O.Ms.No.1117 Revenue (Assn.1) Department dated 11.11.1993 permitting the legal heirs to alienate the assigned land under ex-serviceman quota after ten years of assignment. Under G.O.Ms.No.307, Revenue (Assignment-I) Department dated 6.6.2013 Government issued orders to obtain 'No Objection Certificate' (NOC) from the District Collector for alienating the assigned land. The said G.O.Ms.No.307 dated 6.6.2013 is not in operation in view of the judgment of this court in W.A.No.353/2013. The grievance of the petitioner is that though G.O.Ms.No.307 dated 6.6.2013, which contemplates obtaining NOC from District Collector for alienating the assigned land under Ex-servicemen quota, is not in operation, the 5th respondent – Sub Registrar is insisting NOC for receiving, registering and releasing the document presented by the petitioner. Hence the writ petition.

The learned Assistant Government Pleader for Revenue produced copy of the written instructions issued by the 4th respondent – Tahsildar in Rc.No.535/2016/A dated 30.09.2016 to the effect that the subject land was classified as 'assessed waste dry' and it was assigned to landless poor Karrothu Suryanarayana s/o Pydayya for agricultural purpose vide D.R.No.7/92 in the year 1992 and since then he has been in possession and the petitioner is not in possession of the said land.

The learned counsel for the petitioner disputed the written instructions submitted by the learned Assistant Government Pleader and reiterated the writ averments. He

submitted that this court in similar facts and circumstances in W.P.No.20025/2016 and batch dated 13.7.2016, where the Sub Register insisted for NOC for registering the assigned land under ex-servicemen quota, directed the registration department to entertain the documents presented by the petitioners therein or their vendors for registration in terms of G.O.Ms.No.279 dated 4.7.2016 and register the same if they are in order as per provisions of the Indian Stamps Act and the Registration Act.

In view of the above facts and circumstances and the submissions of the leaned counsel and the order of this court dated 13.7.2016 in W.P.No.20025/2016 and batch, the present writ petition is disposed of at the stage of admission directing the 5th respondent – Sub Registrar, to verify the genuineness of the assignment of the subject land under Ex-serviceman quota in form-D vide D.R.No.144/1965 dated 9.7.1966 and if it is found to be so, shall consider the registration of the document presented by the petitioner if the same is in order as per provisions of the Indian Stamp Act, 1899 and the Registration Act, 1908 and the Rules made there under. In case, if he intends to refuse to register the same, shall pass orders under Section 71 of the Registration Act, 1908 recording reasons and communicate the same to the petitioners. This exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

AVS

30—09—2016