

PROCEEDINGS OF THE DISTRICT COLLECTOR, VISAKHAPATNAM.
PRESENT : SRI SANJAY KUMAR, IAS,

Sub: Assignments – Ex-servicemen – Visakhapatnam district – Visakhapatnam (Rural) mandal – Kommadi village Sy.No.158/6 Ac.5.05 cts assigned to Sri G.Sanyasi, Ex-serviceman – with drawl of the land from Sec.22-A of registration act – Orders issued – reg.

- Read : 1)G.O.Rt No.1909 Revenue (ASN) Dept Dt.17.11.1992
2)Orders dt.13-10-2006 in W.P.No.21310/06 of the Hon'ble High Court.
3)Lr.Rc.No.171/2005/A Dt.31.01.2009 of the Tahsildar, Visakhapatnam (Rural)
4)Representation dt. 28.01.2009 of Smt. J.Padma Pavani Dasapalli Resorts Ltd, and others.
5) Lr. Dt.11.02.2009 of the Govt. Pleader, Visakhapatnam.
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ORDER:

Sri Gudukurthi Sanyasirao, Ex-Servicemen was assigned Govt., land measuring Ac.5.05 cts in Sy.No.158/6 of Kommadi village of Visakhapatnam (Rural) mandal in the year 1971. The assignee has executed a will in favour of Sri G.V.Suryanaryana who is 3rd son of the assignee on 12.05.1980 and he was died during the year 1982. Sri G.V.Suryanaryanarao has executed GPA in favour of Sri Sagi Venkata Krishna Varma including the right to sell the land in whole or by laying-out plots. As such, the then Joint Collector has viewed that the individual has violated the conditions by giving GPA instead of cultivating the land, and the land is required for public purpose of weaker section housing scheme. Accordingly, the assignment was cancelled on 30.04.1992.

In the reference 1st read above, the Government vide G.O.Rt No.1909 Revenue (Assignment) Dept Dt.17.11.1992 has observed that, there is no point in resorting to cancellation of Patta after 21 years of assignment, as the right to alienate vests in the assignee after 10 years of assignment, and accordingly the Orders of the Joint Collector were set aside and the land was restored to the legal heir of the assignee.

The above said land has been notified as government land u/s 22-A of registration act along with other government lands situated in Kommadi village of Visakhapatnam (Rural) mandal vide G.O.Ms.No.581 Revenue (Registration.1) dept dated 04.05.2005. For which, Sri G.V.Suryanarayanarao has filed WP No.21310/2006 against Spl. Chief Secretary to Government, Revenue Dept, AP Hyderabad and 4 others, and the Hon'ble High Court of AP has disposed of it on 13.10.2006. The Operative part of the Judgment is as extracted hereunder.

In view of the Judgment of the Supreme Court as well as this Court in W.P.No.14099 of 2003, Section 22-A of the Registration Act itself has been declared ultra vires and therefore, Government Order issued in exercise of powers under Section 22-A of the Registration Act cannot be enforced nor the petitioner can be dispossessed under the said Government Order. Even if for any reason the petitioner has to be dispossessed, the respondents have to follow necessary procedure under law. By reason of the assignment, which has also been ultimately confirmed by the Government, the petitioner who allegedly got the property under a Will must be held to have all rights to the property including right to alienate the property.

The Tahsildar, Visakhapatnam (Rural) vide reference 4th read above, has stated that, Sri Sagi Venkata Krishan Varma who was GPA holder of Sri G.V.Suryanarayanarao has executed a sale agreement for an extent of Ac.2.50 cts in Sy.No.158/6 of Kommadi village in favour Smt. Datla Appala Narasimhamurthyamma W/o late D.V.B.Raju. As the GPA holder has not registered the land in favour of Smt. Datla Appala Narasimhamurthyamma, she approached the court of Principle Civil Judge, Visakhapatnam and obtained Decree in O.S.No.281/97 and also filed EP 53/2005 and got registered the said land vide regd doc. No.363/2006 dt.13.02.2006 in her favour through the Court, and she was also issued Pattadar Pass Books. The Tahsildar has further reported that, the land in Sy.No.158/6 measuring Ac.5.05 cts is covered with barbed wire fencing and there are Eucalyptus, Casuarina and Akasia trees are existing in the land and there are no any other constructions / structures in the said land.

In the reference 4th read above, Smt. J.Padma Pavani, and 3 others have submitted a representation to the District Collector Visakhapatnam stating that, Smt. Datla Appala Narasimhamurthyamma W/o late D.V.B.Raju has sold away her land of Ac.2.50 cts in Sy.No.158/6 of Kommdi village to Smt.J.Padma Pavani for Ac.1.50 cts and M/s Dasapalla Resorts Limited and others for Ac.1.00 cts vide registered sale deeds bearing Nos.1509/2008 and 1510/2008 respectively. They further stated that Sri M.Srinivasaraju and Sri M.Anandaraju have raised dispute against Dr. G.V.Suryanarayanarao and his GPA holder in respect of the said land and subsequently all of them comprised the entire matter among themselves, that after compromise Dr. G.V.Surya narayanarao and other persons have collectively sold the remaining Ac.2.55 cts of the land to Sri Valluu Ashok Babu and Sri D.Lakshmanarao and executed a registered possessory sale agreement coupled with General Power of Attorney dated 29.05.2008 which is pending registration with Sub-Registrar, Madhurawada for want of de-notification orders for the said land, that at present the following are the absolute owners of the said Ac.5.05 cts in Sy.NO.158/6 of Kommadi village.

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| 1.Smt. J. Padma Pavani W/o Sri J.mallikharjunudu | Ac.1.50 cts |
| 2.M/s Dasapalla Resorts Limited and others | Ac.1.00 cts |
| 3.Sri Valluru Ashok Babu and Sri Dandamudi Lakshmanarao | Ac.2.55 cts |

They further requested to issue No Objection Certificate for the purpose of sale of land and for obtaining permissions from VUDA, GVMC or any other agency for the purpose of layout for plots /constructions of group housing and for other purposes.

The Govt. Pleader, Visakhapatnam in his letter dated 11.02.2009 vide reference 5th read above, has opined that, as the AP High Court, vide its orders dt.13.10.2006 in WP 21310/06 held that "by reason of the assignment, which has also been ultimately confirmed by the Government, the petitioner who allegedly got the property under a Will must be held to have all rights to the property including right to alienate the property, the Government do not have any objection for due registration of the said land viz. measuring an extent of Ac.5.05 cts, covered by Sy.No.158/6 of Kommadi village of Visakhapatnam (Rural) mandal"

In terms of G.O.Ms.No.1117 Revenue (Assignment) Dept Dt.11.11.1993, the ex-servicemen are free to sell away the land assigned to them after a period of 10 years.

Therefore, keeping in view of the circumstances stated above, the land measuring Ac.5.05 cts covered by Sy.No.158/6 of Kommadi village of Visakhapatnam (Rural) mandal is hereby withdrawn from Sec.22-A of Registration Act, and the individuals who are having valid title over the above said land are permitted to get the permissions whatever they want from the departments concerned.

Sd/- K.Madanmohanrao
For Collector,
Visakhapatnam.

//t.c.b.o// GAZ. SUPERINTENDENT

To.
The Sub-Registrar, Madhurawada, Visakhapatnam (Rrual)
Dr.G.V.Suryanarayana S/o (late) Sanyasirao, Visakhapatnam
Smt. J.Padma Pavani, Dasapalla Resorts Limited and others,
V.Ashok Babu and D.Lakshmanarao, Flat No.G-B, Lakshmi
Apartments, Doctor's Colony, Peda Waltair, Visakhapatnam.
The Tahsildar, Visakhapatnam (Rural) for necessary action.