

PROCEEDINGS OF THE COLLECTOR, VISAKHAPATNAM

PRESENT : SRI J.SYAMALA RAO, I.A.S.,

Sub: Lands - Assignments - Visakhapatnam district- Visakhapatnam (Rural) Mandal - Madhurawada (V) - Sy.No.296/7 (Old Sy.No.296/5) Ext, 5.00 Cts assignment granted in favour of Sri L.Venkatarao, Ex-Serviceman - representation of the individual requesting to issue NOC to sell away the land in terms of G.O.Ms.No.1117 Dt.11.11.1993 - representation considered orders issued.

- Read: 1) Representation dt.30.07.2010 of Sri L.Venkatarao, Ex-Serviceman, H.No.27-32-101, 75 Feet Road, Visakhapatnam.
2) Lr.Rc.No.61/2004/A Dt.27.09.2010 of the Tahsildar, Visakhapatnam (Rural)
3) Lr.Rc.No.5058/2010/A Dt. 07.10.2010 of the RDO, Visakhapatnam.
4) Lr. Dated 04.11.2010 of Sri M.N.Aditya, Govt. Pleader, Visakhapatnam

ORDER:

Sri L.Venkatarao, Ex-Serviceman, vide reference 1st read above, has submitted a representation stating that he was granted assignment in Sy.No.296/7 (Old Sy.No.296/5 for Ac.5.00 cts situated in Madhurawada Village of Visakhapatnam (Rural) Mandal by the then Tahsildar, Visakhapatnam on 01.06.1979, that he has been in continuous and peaceful possession of said land from the date of assignment, and he has further requested to issue NOC to sell away the land as per the G.O.Ms.No.1117 Dt.11.11.1993.

The Tahsildar, Visakhapatnam (Rural) and the Revenue Divisional Officer, Visakhapatnam vide references 2nd and 3rd read above have submitted their reports, respectively, which reveals that, the land measuring an extent of Ac.5-00 Cents in Sy.No; 296/5 (New S.No.296/7) of Madhuravada village was assigned in favour of Sri. L Venkata Rao, Ex-Serviceman in the year 1979. As the assignee failed to brought the land into cultivation, the then MRO, Visakhapatnam (Rural) vide his orders in Progs. Rc.No.139/90/HA/Dt:23-02-1990, has cancelled the assignment and ordered for resumption of the land to Government. Subsequently, the land in question was handed over to the VUDA as per the Proceedings of the District Collector, Visakhapatnam in Rc.No. 2141/89/B2/Dt.20-2-1991.

Thereupon, the Assignee has agitated the matter before the various courts, and he has also obtained series of orders from the Hon'ble High Court of A.P, Hyderabad regarding possession over the land. Finally the matter was remanded to the Revenue Divisional Officer, Visakhapatnam with a direction to hear the case afresh duly giving an opportunity to the assignee and pass orders according to law. The RDO Visakhapatnam, vide his orders in Rc.No.6548/2009/A Dt.06.02.2010, has allowed the appeal and set aside the resumption order dt.23-2-1990 of the MRO Visakhapatnam Rural by observing that the court has not inclined to hold that the assignee is evicted from the assigned land much less a legally unsustainable.

The Government Pleader, Visakhapatnam has been requested to examine the matter and to give his considered legal opinion. In turn, the G.P, Visakhapatnam vide reference 4th read above, has given his opinion stating that the Government have option to pursue the matter further, but no useful purpose would

be served since as per the settled law the action should be initiated within a reasonable time, but not after a long period as was done in the instant case.

Further, as per the provision laid down vide G.O.Ms.No.1117 Revenue Dept Dt.11.11.1993, the Ex-servicemen are free to sell away their assigned lands after a period of 10 years from the date of assignment. But in the instant case the action was initiated for cancellation of the assignment after a period of 11 years.

In view of the circumstances stated above, the request of Sri L.Venkatarao, Ex-serviceman is hereby considered and accorded permission to him to sell away the land measuring Ac.5.00 Cts covered by Sy.No.296/7 (Old Sy.No.296/5) of Madhurawada Village of Visakhapatnam (Rural) Mandal. Further, the said land is hereby deleted from the purview of Sec.22-A of Registration Act.

The Sub-Registrar, Madhurawada is requested to take necessary further action in the matter.

(This has got approval of the Collector, Visakhapatnam)

Sd/- D.V. Reddy
For Collector,
Visakhapatnam.

//t.c.b.o//

GAZ. SUPERINTENDENT (E)

To.

Sri L.Venkatarao, Ex-Serviceman, H.No.27-32-101, 75 Feet Road,
Visakhapatnam.

The Sub-Registrar, Madhurawada.

The District Registrar, Visakhapatnam.

The Tahsildar, Visakhapatnam (Rural)

The Revenue Divisional Officer, Visakhapatnam.