

THE HONOURABLE MR JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.33226 of 2015

ORDER

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

2. The grievance of the petitioner is that the second respondent is refusing to entertain and register the document presented by the petitioner for sale of land admeasuring Ac.3.26 cents in Sy.No.251 situated at Vanala Village, Pamulapadu Mandal, Kurnool District, without there being any reason.

3. Though the learned Government Pleader for Revenue was granted as many as four adjournments to get instructions, no instructions are forthcoming. Hence, the writ petition is heard and disposed of by the present order.

4 . *Prima facie*, petitioner's averments show that the aforesaid land was purchased by him from the third respondent on 14.08.2015 and he has been in possession and enjoyment thereon. The said purchase being under an agreement of sale dated 14.08.2015. Petitioner now wants to obtain a registered sale deed, and when he approached the second respondent on 29.09.2015, the second respondent is stated to have been insisted for obtaining 'No-objection Certificate'. Questioning the said action, this writ petition is filed on the assertion that the aforesaid land is a private land.

5. The issue raised in this writ petition is squarely covered by the judgment of this Court in W.P.No.17809 of 2015 and batch, dated 22.06.2015.

6. In view of the same, following the aforesaid judgment, this writ petition is disposed of directing the registering authorities concerned to receive and process the document presented by the petitioner without insisting upon the No-objection certificate to be obtained by him. The registering authorities

concerned are further directed to receive and process the document in accordance with the Registration Act, 1908 and Indian Stamp Act, 1899 and if the document is in conformity with the provisions, thereafter register and release the document in accordance with the due procedure. It is also made clear that in the event of registering authority not being satisfied with the compliance under the Registration Act or the Stamp Act, appropriate refusal endorsement together with reasons shall be recorded and communicated to the petitioner in terms of Section 71 of the Registration Act. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V. AFZULPURKAR, J

4th December, 2015

sj