

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.29304 of 2015

ORDER:

Heard.

The petitioner claims that one Dayani Mallaiah and his brothers are original pattadars since 1956 in respect of the land admeasuring Ac.5-16 gts., in Sy.No.132 situated at Madhapur Village, Thurkapally Mandal, Nalgonda District. Out of the said extent, he purchased the land admeasuring Ac.1-23 gts., in Sy.No.132 vide registered Sale Deed document bearing No.5063 of 1999, dated 05-09-1999 and now he seeks to alienate the same to third parties. The petitioner also relied upon No-Objection Certificate given by the 3rd respondent vide proceedings NOC.No.A/1940/2011, dated 31-10-2011, which certifies that the land admeasuring Ac.5-16 gts., is a patta land in Sy.No.132 and out of which, the land admeasuring Ac.1-00 gts., was acquired for PWD road purpose and the remaining land is classified as patta. Though the 3rd respondent has issued NOC, the 5th respondent is insisting for production of NOC from the revenue authorities. Hence, the petitioner filed the present writ petition.

It is evident from the averments of the petitioner in the affidavit and NOC Certificate issued by the 3rd respondent that the land claimed by the petitioner is a patta land. In view of that, there is no question of the 5th respondent seeking NOC to be obtained by the petitioner. It is also evident that the petitioner has not yet presented the document for registration.

Hence, the petitioner is at liberty to present the document before the 5th respondent for registration. The 5th respondent is directed to receive and process the document presented by the petitioner for registration in relation to the subject property. In the event the 5th respondent is of the opinion that the document warrants refusal of registration, he shall pass appropriate orders duly recording the reasons for such refusal in accordance with Section 71 of the Registration Act. If, however,

the document is found to be complied with all legal requirements, he shall register the same and release it in accordance with due procedure.

Accordingly, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 10-09-2015

Prv

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