

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.20260 OF 2015

DATED:6-7-2015

Between:

Umapathi Venkataramaiah

... Petitioner

And

State of Andhra Pradesh
Rep. by its Principal Secretary
Registration & Stamps Department
Secretariat Buildings, Hyderabad
and others

... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. Narasimhulu Parise

COUNSEL FOR THE RESPONDENTS: G.P. for Revenue (AP)

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for a Mandamus declaring the action of respondent No.3 in insisting on no objection certificate from the revenue authorities for registering the sale deed in respect of the land admeasuring Ac.1.53 cents in Sy. No.801/3 of Dharmavaram Village in Ananthapur District, as illegal and arbitrary.

At the hearing, it is not disputed by the learned Government Pleader for Revenue (AP) that at least two Division Benches of this Court have held that Sub-Registrar cannot refuse to entertain the document when the same is sought to be presented for registration. If respondent No.3 has any legally sustainable objection for registration of the document, he has to pass an appropriate order under Section 71 of the Registration Act, 1908 (for short, 'the Act') and if any person is aggrieved by such order, he is entitled to avail the remedy of appeal under Section 72 of the Act (See *G. Narasaiah and another v. State of A.P.* ^[1] and judgment dt.1.10.2013 in W.A. No.1653 of 2013).

In view of the above undisputed legal position, respondent No.3 is directed to receive the document and process the same for registration. If he finds any legally sustainable objection, he shall pass an order under Section 71 of the Act within one week from the date of receipt of the document. If the petitioner feels aggrieved by such order, he shall be free to avail appropriate legal remedy.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.26118 of 2015 shall stand disposed of as infructuous.

6-7-2015
bnr

C.V. NAGARJUNA REDDY, J

[\[1\]](#) 2011 (3) ALT 415 (DB)