

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.42844 OF 2015

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ORDER:

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

The petitioners seek to execute common sale deed proposing to alienate various lands in various survey numbers situated at Kurmannapalem Village, Gajuwaka Mandal, Visakhapatnam District. Alleging that the Sub-Registrar, Gajuwaka, Visakhapatnam District, the 4th respondent, is not receiving and processing the document presented by them for registration and insisting on production of 'No Objection Certificate' from the Tahsildar, Gajuwaka Mandal, Visakhapatnam District, the 3rd respondent, the present Writ Petition is filed. The petitioners' state that the subject lands are private patta lands of their ancestors and for their family necessities, the said lands are proposed to be sold and no Governmental interest is involved in them.

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.

In view of the same, following the aforesaid judgment, this Writ Petition is also disposed of directing the registering authority concerned to receive and process the document presented by the petitioners without insisting on production of 'No Objection Certificate' to be obtained by them. The registering authority concerned is further directed to receive and process the document in accordance with the

Registration Act, 1908 and the Indian Stamp Act, 1899 and if the document is in conformity with the provisions, thereafter register and release the same 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 Indian Stamp Act, appropriate refusal endorsement together with reasons shall be recorded and communicated to the petitioners in terms of Section 71 of the Registration Act. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

31.12.2015

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