

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.23374 of 2015

**BETWEEN**

J. Sivaiah.

**... PETITIONER**

**AND**

The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department (Stamps & Registration), Secretariat, Hyderabad and others.

**...RESPONDENTS**

DATE OF JUDGMENT PRONOUNCED: 28.07.2015

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**SUBMITTED FOR APPROVAL:**

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**THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR**

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals?    | No |
| 3. | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | No |

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**ORDER:**

Petitioner claims that he is owner and possessor of land admeasuring Ac.5.00 cents in Sy.No.111-1 situated in Gandlaparthi village, Rapthadu Mandal, Ananthapur District. Petitioner also states that the aforesaid property is his ancestral property. Petitioner intends to alienate the said land by way of sale. The present writ is filed alleging that No Objection Certificate is insisted upon by the fifth respondent.

2. Since the petitioner claims that the land is his ancestral property and is not a land assigned under political sufferers or ex-serviceman category, insistence upon NOC cannot be countenanced. The issue raised in this writ petition is squarely covered by the judgment of this Court in WP.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 petitioner without insisting upon no objection certificate to be obtained by him. The registering authority concerned is 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 of the aforesaid enactments, 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.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

July 28, 2015  
DSK

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VILAS V. AFZULPURKAR, J