

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

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No. 40378 of 2015

BETWEEN

T.Srinivasa Rao

... PETITIONER

AND

The State of Andhra Pradesh, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 14.12.2015

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ORDER:-

Heard.

2. Petitioner states that he is the absolute owner and possessor in respect of land in Survey No.5C to an extent of Ac.0-94 cents out of Ac.1-87 cents and in survey No.6B to an extent of Ac.0-83 cents out of Ac.1-66 cents total an extent of Ac.1-77 cents, situated at Pagidyala Village fields, Pagidyala Mandal, Nandikotkur Sub-Division, Kurnool District. Since then petitioner has been cultivating the land and is in possession and enjoyment of the said land. Thereafter, since the petitioner has no source of income, he intends to sell the land in Survey No.5C to an extent of Ac.0-94 cents out of Ac.1-87 cents and in Survey No.6B to an extent of Ac.0-83 cents out of Ac.1-66 cents total an extent of Ac.1-77 cents and has approached

respondent Nos.2 to 4 for registration. But respondent Nos.2 to 4 has not taken any action. Questioning the same, the present writ petition is filed.

3. In terms of Section 22A of the Registration Act, the Sub-Registrar has to examine whether the document presented by the petitioners is to be registered. However, he cannot refuse to receive the document on the ground of non production of no objection certificate.

4. Similar matters were considered by this Court in W.P.No.16384 of 2015 and batch, dated 11.06.2015, and also in W.A.No.1653 of 2013 dated 01.10.2013.

5. In the light of the above, this writ petition is disposed of directing the third respondent to receive and process the documents presented by the petitioners without insisting upon no objection certificate. The third respondent 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, thereafter register and release the documents 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 parties 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.

VILAS V. AFZULPURKAR, J

December 14, 2015
LMV