

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.23259 of 2015

BETWEEN

S. Jagannadha Gupta.

... PETITIONER

AND

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

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 03.08.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be No allowed to see the Judgments?
2. Whether the copies of judgment may be marked No to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to see the No fair copy of the Judgment?

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ORDER:

Learned counsel for the petitioner is permitted to correct the mistakes in the writ petition.

2. Petitioner claims that he is the absolute owner and possessor of land to an extent of Ac.0.65 ½ cents; Ac.0.45 ¾ cents and Ac.0.19 ¾ cents in Sy.Nos.470/B1 and 470D/1B respectively in Kalluru village, Kalluru Mandal, Kurnool District and that he 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 second respondent.

3. Since the petitioner claims that the land is a private patta land 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.

VILAS V. AFZULPURKAR, J

August 3, 2015

DSK