

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

* * *

WRIT PETITION No. 37789 of 2015

BETWEEN

Somapangu Guravaiah

... PETITIONER

AND

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

...RESPONDENTS

Date of Order pronounced: 20.11.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals?

3. Whether his Lordship wish to see the Yes/No

fair copy of the Judgment?

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ORDER:-

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

2. Petitioner claims that he is the owner and possessor of land in Survey No.55/4 admeasuring Ac.0-36 cents having acquired the land by virtue of DKT Patta by the Government and has been granted pattadar passbook and title deeds. Petitioner states that he intends to sell the said land and for that purpose he has approached the 5th respondent, who in turn insisted upon production of no objection certificate from the revenue authorities. 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 petitioner is to be registered. However, he cannot refuse to receive the document on the ground of non production of no objection certificate.

4. Similar batch of cases were disposed of by this Court in W.P.No.16384 of 2015 and batch by order dated 11.06.2015, which was also confirmed 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 fifth respondent to receive and process the documents presented by the petitioner without insisting upon no objection certificate. The fifth 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

November 20, 2015

LMV