THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION Nos.17002, 17019, 17023, 17024, 17029, 17033, 17034, 17038, 17046, 17068, 17071, 17072, 17073, 17074, 17075, 17076, 17077, 17079, 17084, 17085, 17086, 17091, 17094, 17096, 17101, 17107, 17111, 17122, 17123, 17125, 17126, 17131, 17135, 17139, 17144, 17147, 17156, 17158, 17163, 17172, 17173, 17175, 17176, 17187, 17188, 17189, 17190, 17194, 17196 and 17203 of 2015

Date: 09.06.2015

WRIT PETITION No.17002 of 2015

Between:

U.Laxmi Narayana Reddy,

Kurnool District.

.... Petitioner

And

The State of Andhra Pradesh,

Rep. by its Principal Secretary,

Revenue Department,

Andhra Pradesh Secretariat,

Secretariat Buildings,

Hyderabad and others.

... Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION Nos.17002, 17019, 17023, 17024, 17029, 17033, 17034, 17038, 17046, 17068, 17071, 17072, 17073, 17074, 17075, 17076, 17077, 17079, 17084, 17085, 17086, 17091, 17094, 17096, 17101, 17107, 17111, 17122, 17123, 17125, 17126, 17131, 17135, 17139, 17144, 17147, 17156, 17158, 17163, 17172, 17173, 17175, 17176, 17187, 17188, 17189, 17190, 17194, 17196 and 17203 of 2015

COMMON ORDER:

The grievance of the petitioners in these cases is with regard to the insistence by the Registering Authorities on production of 'No Objection Certificates' (NOCs) from the Revenue Authorities as a condition precedent for receiving and registering the documents presented by them for registration in

connection with immovable properties.

2. This Court has time and again held that there is no legal sanction for the action of the Registration Authorities in insisting upon such certification from the Revenue Authorities before entertaining documents for registration. Further, the Government of Andhra Pradesh issued Memo No.49938/Regn.I/A1/2012-4 dated 06.12.2012 requesting the Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh, to instruct all the Registering Officers in the State not to ask for NOCs from the Revenue Authorities before registration and not to act on any such NOCs.

3. On the same issue, a batch of writ petitions was disposed of by this Court. Aggrieved by the order in one such writ petition, W.P.No.12376 of 2013, the District Collector, Chittoor District, filed Writ Appeal No.1653 of 2013. A Division Bench of this Court affirmed the decision of the learned Single Judge. The Division Bench issued the following directions:

> "Accordingly, we affirm the judgment and order of the learned Single Judge. We direct henceforth that no Government official shall act or take action in any manner unless that official concerned is authorized by law. Accordingly, the No Objection Certificate which has hitherto been asked for registration of the document shall not be demanded any more unless it is authorized by an appropriate enactment with prospective effect and not retrospective effect.
>
> We feel that this judgment has got tremendous public importance. Therefore, a copy of this judgment shall be circulated to all the District Registrars, who in turn, shall issue instructions to their officers concerned under his control."

4. It is unfortunate that the Registering Authorities still continue to insist upon NOCs from the Revenue Authorities before receiving documents pertaining to immovable property.

5. In the light of the above, the Writ Petitions are disposed of directing the

Registering Authorities concerned to receive and process the documents presented by the petitioners without insisting upon such NOCs and in the event the documents presented fulfil the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899, they shall register and release the documents in accordance with the due procedure. If, however, the Registering Authority concerned is of the opinion that any document presented for registration warrants denial, he shall pass orders in writing indicating the reasons for such refusal and communicate the same to the parties in accordance with Section 71 of the Registration Act, 1908.

6. Pending Miscellaneous Petitions in these Writ Petitions shall stand closed in the light of this final order. No order as to costs.

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SANJAY KUMAR, J

Date:16.06.2015

GJ