

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

* * *

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No. 40388 of 2015

BETWEEN

Mullangi Lakshmi Kanthamma

... 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 claims that she is the absolute owner and possessor and pattadar of the land to an extent of Ac.2-37 cents in Survey No.491 at Rowthukunta, Sambepalli, Kadapa District.

The third respondent has issued pattadar passbook in favour of the husband of the petitioner. After the demise of husband of the petitioner, she had got mutated her name in the revenue records and was also issued pattadar passbooks in respect of the said property. Since petitioner intends to sell the said property, she has approached the fifth respondent. Questioning the action of the fifth respondent in insisting upon production of no objection certificate, 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 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

December 14, 2015
LMV