

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

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For the State of Telangana and the State of Andhra Pradesh

MAIN CASE NO: W.P.NO.22491 OF 2015

Between:

Mutturu Bhasker Reddy and others

.. Petitioner(s)

And

State of A.P. and others

.. Respondent(s)

DATE OF JUDGMENT PRONOUNCED: 21.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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| 1. Whether Reporters of Local news papers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.22491 OF 2015

ORDER :

Heard.

Petitioners 1 and 2 purchased the lands in Survey No.199/1 admeasuring Ac.0.23 cents, Survey No.199/2 admeasuring Ac.0.15 cents and Survey No.203/B1 admeasuring Ac.0.20 cents of Chinnachowk Revenue Village, Kadapa Mandal from the 3rd petitioner.

The petitioners state that the said lands were originally granted DKT patta to the grand father of the 3rd petitioner under patta D.No.154/59, dated 16.04.1948. Original assignee was granted rythwari pass book. The original pattedar/assignee was also granted no objection certificate by the Tahsildar on 26.11.1972 vide proceedings No.D.Dis.No.762/72 as the assignment is of 16.04.1948. The grand son of the original assignee now seeks to alienate the lands to petitioners 1 and 2 and executed a sale deed on 04.07.2015. Respondent No.2 is stated to have been insisting to obtain no objection certificate from the revenue authorities. It is noted that the assignment in favour of the original assignee was in the year 1948 and at that time there was no condition to restrain alienation of such assigned lands. Hence, such assignments are beyond the purview of the A.P. Assigned Lands

(Prohibition of Transfers) of Act, 1977 and do not fall within the definition of 'Assigned Land' under the Act, hence, insisting of no objection certificate by the registrar is clearly unsustainable.

Similar matters were already considered and disposed of by this Court in W.P.No.17809 of 2015 and batch on 22.06.2015.

In view of the same, following the aforesaid judgment, this writ petition is also disposed of directing the registering authorities concerned to receive and process the document presented by the petitioners without insisting upon the no objection certificate to be obtained by them. The registering authorities 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, 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 petitioners in terms of Section 71 of the Registration Act. No order as to costs.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. No costs.

21.07.2015
Kvrm

VILAS V.AFZULPURKAR, J

THE HON’BLE SRI JUSTICE VILAS V.AFZULPURKAR

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WRIT PETITION No.22491 OF 2015

DATE: 21.07.2015

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