

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.16897 of 2015

Date:15.06.2015

Between:

Devarakonda Ramulu.

.... Petitioner

And

The State of Andhra Pradesh rep.,
By its Principal Secretary,
Registration and Stamps Department,
Hyderabad and others.

... Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.16897 of 2015

ORDER:

The petitioner is aggrieved by the Memo dated 01.12.2011 issued by the Commissioner and Inspector General of Registration & Stamps, Andhra Pradesh, the 2nd respondent, and the consequential action of the Sub-

Registrar, Vinukonda, Guntur District, in insisting upon production of a 'No Objection Certificate' (NOC) from the 1st respondent as a condition precedent for receiving and registering the document presented by the petitioner for registration.

2. The issue is no longer *res integra*. This Court had occasion to deal with the impugned Memo dated 01.12.2011 in W.P. No.34689 of 2012. A copy of the order dated 12.12.2012 passed therein is placed on record. The impugned Memo dated 01.12.2011 appears to have been issued by the 1st respondent on the basis of the order passed by the Madras High Court in a contempt case. Taking note of the same, this Court held that unless a Court of competent jurisdiction has granted an injunction restraining alienation of the properties in respect of which documents were sought to be registered, the Registering Authority cannot refuse registration. The writ petition was therefore disposed of with directions.

3. For reasons alike as were mentioned in the said order, this writ petition is disposed of directing the Sub-Registrar, Registration & Stamps, Vinukonda, Guntur District, to receive and process the document presented by the petitioner for registration subject to the same fulfilling the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899. The Sub-Registrar, Registration & Stamps, Vinukonda, shall complete the registration in accordance with law and release the document.

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

SANJAY KUMAR, J

Date: 15.06.2015

