

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.19161 of 2012

ORDER :

The petitioner herein who claims to be the owner of certain land in Survey Nos.1084 and 1085 of Mittameedapalli Village, Rajampet Mandal, Rajampet Division, Kadapa District, approached the 3rd respondent for sale of land situate in the above survey numbers. The respondent then asked him to get a 'No Objection Certificate' from 2nd respondent.

2. Thereafter, the petitioner approached 2nd respondent for issuance of 'No Objection Certificate' to him for sale of the above land belonging to him.

3. By the impugned endorsement dt.31.10.2011, the 2nd respondent rejected the request of petitioner for issuance of 'No Objection Certificate' on the ground that as per Government Land Assignment Register the lands were recorded as DKT assigned land in the name of petitioner's father, and therefore, it is not possible to issue a No Objection Certificate.

4. The counsel for petitioner contends that the said endorsement is unsustainable and that the 3rd respondent

cannot direct petitioner to obtain a 'No Objection Certificate' from 2nd respondent and the 2nd respondent is not empowered under any law to issue a 'No Objection Certificate' for alienation of lands belonging to petitioner.

5. The learned Government Pleader for Revenue, appearing for respondents, states that since the land claimed by petitioner is assigned land, it cannot be allowed to be alienated.

6. The counsel for both sides however do not dispute the fact that a Full Bench of this Court in **Vinjamuri Rajagopala Chary and others v. State of Andhra Pradesh, represented by its Principal Secretary, Revenue Department, Hyderabad and others**^[1] laid down certain guidelines to be followed by authorities under the Registration Act, 1908 for refusing to register certain documents present for registration in the light of Section 22-A of the said Act. Para no.36 of the said judgment sets out the conclusions and directions issued by the Full Bench in the said case.

7. It is also not disputed by the learned Government Pleader for Revenue that there is no provision in any law empowering the 2nd respondent / Tahsildar to issue a 'No Objection Certificate' for the purpose of registration of lands.

8. In view of the above legal position, the impugned endorsement dt.31.10.2011 issued by 2nd respondent is set aside and petitioner is given liberty to present the document for registration before 3rd respondent. If any document is presented by petitioner for the purpose of registration before the 3rd respondent, the 3rd respondent shall receive it and consider the same for the purpose of registration in the light of the above decision of the Full Bench within a period of four (04) weeks of presentation of the document before him; and in case he is not willing to register it, he shall give reasons for the same under Section 71 of the said Act, and communicate the same to petitioner.

9. Accordingly, the Writ Petition is allowed as above.
No order as to costs.

10. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 01-06-2016

Ndr/*