

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.34840 OF 2014

Date: 26.10.2017

Between:

Gutti Kotamma, W/o Satyam, Aged 55 years,
Occu: Housewife, R/o. 5th line, Nehrunagar,
Kandulapuram, Cumbum Mandal, Prakasam
District.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its
Secretary to the Government, Revenue
Department, Secretariat, Saifabad, Hyderabad
and others.

.....Respondents



The Court made the following:

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ORDER:

This writ petition is filed praying to grant the following relief:

“to issue an appropriate writ, order or direction, more particularly one in the nature of a Writ of Mandamus declaring the action of the Respondent No.3 in insisting upon the Petitioner to produce a No Objection Certificate (NOC) from the Respondent No.5 for getting Plot No.8 "A" in Sy.No.161/A5 of Kandulapuram Village, Cumbum Mandal, Prakasam District belonging to the Respondent No.7 as illegal and without jurisdiction and consequentially to direct the Respondent No.3 to register the Sale Deed presented for Registration by the Petitioner without insisting upon the Petitioner to produce No Objection Certificate from the Respondent No.5... .”

2. This writ petition is advanced on a letter filed by learned counsel for petitioner praying that subject matter is covered by the decision of this Court in W.P.No.22666 of 2012.

3. Perusal of the judgment would show that Court found fault with treating the property as prohibited property and insisting for production of No Objection Certificate on the ground that property was purchased on payment of market value and there cannot be any impediment prohibiting sale of such land. Court further observed that no insistence can be made for production of No Objection Certificate as a condition precedent to process the deed of conveyance.

4. In the present writ petition, the only relief sought for by petitioner is not to insist for production of No Objection Certificate to register the deed of conveyance on the subject property.

5. It is not in dispute that subject property is included in the list of prohibited properties under Section 22-A (1) of the Indian Registration Act, 1908. Dealing with the issue of prohibited properties and registration, Full Bench of this Court given series of directions. In terms of Full Bench judgment in **Vinjamuri Rajagopala Chary and Ors. v. Principal Secretary, Revenue Department, Hyderabad and others**¹, if a person is aggrieved by inclusion of property in the list of prohibited properties, he has to apply to the District Collector for excluding the property from the said list. It appears, so far no such application is filed by the petitioner. Since property is already included in the list of prohibited properties, no purpose would be served even if the relief is granted as prayed for. Unless the property is excluded from the list of prohibited properties, registering authority cannot entertain the deed of conveyance.

6. Thus, leaving it open to the petitioner to apply to the District Collector by enclosing all the documents in support of his claim requesting to exclude the property from the list of prohibited properties, writ petition is disposed of. It is needless to observe that as and when such application is made, the same shall be considered objectively and pass appropriate orders as warranted by law by assigning due reasons in support of its decision. Entire exercise shall be completed within a period of two months from the date of receipt of such application.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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¹ 2016(1) ALT 550

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