

***THE HON'BLE SRI JUSTICE P. NAVEEN RAO***

**WRIT PETITION No.35883 OF 2017**

Dated:27.10.2017

Between:

N. Satya Rao, Thathaiah, Hindu,  
Aged 60 years, Occ: Cultivation,  
R/o. Desapatrunipalem Village,  
Paravada Mandal, Visakhapatnam District .. Petitioner

And

The State of Andhra Pradesh, rep., by its  
Principal Secretary, Revenue Department,  
Secretariat, Velagpudi, Amaravati,  
Guntur District and others .. Respondents



**The Court made the following:**

***THE HON'BLE SRI JUSTICE P. NAVEEN RAO*****WRIT PETITION No.35883 OF 2017****ORDER:**

Heard.

2. Petitioner claims that land to an extent of Ac.1.78 cents in Survey No.133 5C of Desapatrunipalem Village, Paravada Mandal, Visakhapatnam District, is his ancestral property. He intends to sell the said property for his personal needs and approached the Sub-Registrar, Lankepalem, Visakhapatnam District (4<sup>th</sup> respondent) to enquire about the market value and stamp duty. The 4<sup>th</sup> respondent orally directed the petitioner to present No Objection Certificate along with the document. Alleging that insistence of No Objection Certificate is illegal, this Writ Petition is filed.

3. Learned Assistant Government Pleader for Revenue, on instructions, submits that the registering authority is not insisting for No Objection Certificate other than the land classified as ex-servicemen.

4. The material on record would disclose that though a document is drafted for presenting it before the registering authority, no proof is filed that the document is presented for registration and the registering authority refused to receive the same. On a question posed by the Court, learned counsel for the petitioner submits that no notification is issued under Section 22-A of the Registration Act, prohibiting registration of the

properties. If that being so, there can be no objection for the registering authority to receive the document presented by the petitioner. However, it is also seen that so far petitioner has not paid stamp duty and registration charges to show his *bona fides*. Thus, it cannot be said that the action of the respondents in not receiving and processing the document presented by the petitioner is illegal. Therefore, no relief as sought for by the petitioner can be granted to him.

5. The Writ Petition is accordingly disposed of granting liberty to the petitioner to present the document after paying stamp duty and registration charges. As and when such document is sought to be presented, the registering authority shall receive and process the same in accordance with the Registration Act and the Rules framed thereunder. If the registering authority has any objection in accepting the document for registration, it is open to it to refuse registration by assigning due reasons in support of its decision. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

---

**P. NAVEEN RAO, J**

Date: 27.10.2017

KH