

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 29334 of 2018

ORDER:

The present writ petition came to be filed seeking a writ of mandamus declaring the action of the 4th respondent in not accepting the documents for registration in relation to the land admeasuring Ac.1-00 situated in Sy.No. 85/ 1 of Mangalam Village, Tirupathi Urban Mandal, Chittoor district and insisting for production of No Objection Certificate from the revenue authorities, as illegal, arbitrary and unconstitutional.

2. The petitioner herein claims that he has purchased the subject land from one Smt. Nukala Suryakanthamma in the year 2005. The land originally belonged to N.Seshaiah, and after his death, his wife Nukala Suryakanthamma, being his legal representative, sold the said property. The petitioner claims that he is in continuous possession and has also got his name mutated in the revenue records. In order to meet his personal needs, he intends to sell the property, but the concerned Sub Registrar is not accepting the same, on the ground that No Objection Certificate, which is a requisite for accepting the said document, is not enclosed. The petitioner places reliance on the order of this Court in W.P.No. 3850 of 2018 in support of his plea.

3. The learned Government Pleader for Revenue would submit that the Sub Registrar has no right to insist for No Objection Certificate, and if the documents are presented for registration, he can pass appropriate orders thereon. She also submits that the concerned Sub Registrar is the Sub Registrar of Renigunta. Accordingly, the learned counsel for the petitioner is permitted to add the Sub Registrar of Renigunta as the 5th respondent.

4. Having regard to the facts and circumstances of the case, the present writ petition is disposed of with consent, at the admission stage, directing the Sub Registrar, Renigunta to receive the document, if any, presented by the petitioner and take action in accordance with the provisions of the Registration Act. If the Sub Registrar is not inclined to register the said document for any reason, he has to make an endorsement to that effect and pass an order in accordance with Section 71 of the Registration Act. There shall be no order as to costs.

5. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

28.08.2018
DMG