

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.32461 OF 2018

ORDER

The prayer of the petitioner in this case reads as under:

‘For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue a Writ, order or direction, more particularly a Writ in the nature of Mandamus, declaring the action of the Respondents 3 & 4 in withholding the NOC for the land in Sy.No.287/1, admeasuring Ac.7.16 gts., and Sy.No.288/1, admeasuring Ac.9.32 gts., situated at Kongarakurd A Village, Ravirala Grampanchayat, Maheswaram Mandal, Ranga Reddy District, as being arbitrary, illegal, violative of Article 14, 19 (1) (g), 21 & 300-A of the Constitution of India and pass such other suitable order or orders as this Hon’ble Court may deem fit and proper under the circumstances of the case.’

Perusal of the record reflects that the Revenue Divisional Officer, Saroornagar Division, Ranga Reddy District, addressed letter dated 02.11.2015 to the District Collector, Ranga Reddy District, wherein he noted that as per the Sethwar, Khasra pahani and the occupancy rights granted by the Revenue Divisional Officer, Ranga Reddy East Division, as long back as in the year 2008 and the report submitted by the Tahsildar, Maheshwaram Mandal, the request of the petitioner for de-notification of the lands claimed by him in Survey No.287/1 (Ac.7.16 guntas) and Survey No.288 (Ac.9.32 guntas) of Kongarakhurd-A Village of Maheshwaram Mandal deserved consideration.

Sri Vijay B.Paropkari, learned counsel, would point out that in the year 1989, the Andhra Pradesh State Wakf Board notified the lands in Survey Nos.284 and 291 of Kongarakhurd-A Village of Maheshwaram

Mandal as wakf properties and no land in Survey Nos.287 and 288 of the said village were shown as wakf properties.

The claim of the petitioner is that when he approached the registration authorities with documents, he was told that his documents would not be entertained unless a 'no objection' certificate is produced from the revenue authorities. It is on this basis that the petitioner is before this Court complaining of inaction on the part of the revenue authorities in issuing the 'no objection' certificate in relation to the subject land.

Learned Assistant Government Pleader for Revenue, State of Telangana, would fairly concede that there is no statutory basis for issuance of a 'no objection' certificate by either the District Collector or any other revenue authority in relation to the registrability of documents pertaining to any land.

In that view of the matter and given the aforesaid facts, this Court is of the opinion that it would not be open to the registration authorities to treat the subject land as wakf property or insist upon production of any certification from the revenue authorities.

The writ petition is accordingly disposed of directing the registration authorities to receive the documents presented for registration by the petitioner in relation to the subject lands without insisting upon any certification from the revenue authorities. In the event the said documents are found to be in order and in compliance with the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899, the registration authority concerned shall complete the due formalities and release the documents after registration. If, however, the registration authority finds

any grounds to refuse registration of the documents, he shall issue an intimation of refusal under Section 71 of the Registration Act, 1908 and communicate the same to the petitioner.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

26th MARCH, 2019

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SANJAY KUMAR, J

