

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.47094 of 2018

ORDER:

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

'For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction, to declare the action of the Respondents, more particularly, the 3rd Respondent failing to receive, register and release the deed of conveyance executed by the Petitioners herein in respect of House on Plot No.456 admeasuring 417 Sq.Yards in Sy.No.11/8, 11/9, 11/10 and 11/11 Part of Sy.No.11 situate at Khanamet village, Srilingampally mandal, Ranga Reddy District and insisting for production of "No Objection Certificate" for registration as being illegal, arbitrary in violation of provisions of Registration Act and in violation of Art 300A of the Constitution of India and consequently direct the Respondents, more particularly, 3rd Respondent to receive, register and release the document in respect of House on Plot No.456 admeasuring 417 Sq.Yards in Sy.No.11/8, 11/9, 11/10 and 11/11 Part of Sy.No.11 situate at Khanamet village, Srilingampally Mandal, Ranga Reddy District and pass such other order or further orders as are deemed fit and proper.'

In the light of the law laid down by a Division Bench of the erstwhile High Court of Andhra Pradesh in W.A.No.1653 of 2013 dated 01.10.2013 and a Division Bench of the common High Court for the States of Telangana and Andhra Pradesh in W.A.No.1198 of 2014 dated 14.11.2014, it is not open to the registration authorities to insist upon production of a 'No Objection Certificate' from the revenue authorities as a condition precedent for entertaining documents for registration.

That being so, the Joint Sub-Registrar-1, Stamps and Registration, RO (OB), Ranga Reddy District, the third respondent herein, is directed to entertain the document presented by the petitioners relating to the house in Plot No.456 (417 square yards) in Sy.Nos.11/8, 11/9, 11/10 and 11/11 (part in Sy.No.11) of Khanamet Village, Srilingampally Mandal, Ranga Reddy District, without insisting upon production of such a 'No Objection Certificate'. After considering the document so presented, it is for the third respondent to either register and release the document in accordance

with the due procedure or exercise power under Section 76 of the Registration Act, 1908. In the event, he chooses to follow the latter course, he shall pass a reasoned order and communicate the same to the petitioners. This exercise shall be completed expeditiously and in any event, not later than one month from the date of receipt of a copy of this order.

The writ petition is disposed of with the above directions.

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

Date:03.01.2019

GJ



JUSTICE SANJAY KUMAR