

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.47482 of 2018

ORDER:

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

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents 4 and 5 in not receiving the document presented by the petitioners for registration in relation to the land in Sy. No.299/9 to an extent Ac.0.24 guntas, in Sy.No.279/aa to an extent of Ac.0.23 guntas in Sy.No.279/e to an extent of 0.23 guntas and in Sy.No. 279/ee to an extent of Ac.0.23 guntas total admeasuring Ac.0.96 guntas situated at Patancheruvu Village and Mandal, Sangareddy District and insisting NOC (No Objection Certificate) as illegal, arbitrary and contrary to the provisions of Stamps and Registrations Act 1908 and consequently direct the respondents 4 and 5 to receive the document presented by the petitioners and register the same and return the document without insisting NOC (No Objection Certificate) in respect of the aforesaid land and pass such other order or orders as may deem fit and proper in the circumstances of the case.'

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 Sub-Registrar, Patancheruvu Mandal, Sangareddy District, the fifth respondent herein, is directed to entertain the document presented by the petitioners relating to the land in Sy.No. 299/9 (Ac.0.24 guntas), Sy.No.279/aa (Ac.0.23 guntas), Sy.No.279/e (Ac.0.23 guntas) and Sy.No.279/ee (Ac.0.23 guntas), totally admeasuring Ac.0.96 guntas, situated at Patancheruvu Village and Mandal, Sangareddy District, without insisting upon production of such a 'No Objection Certificate'. After considering the document so presented, it is for the fifth

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 (*for short*, 'the Act of 1908'). In the event, he chooses to follow the latter course, he shall pass a reasoned order and communicate the same to the petitioners. In case the land covered by the document in question has been included in a prohibitory list falling under Section 22-A(1)(a) of the Act of 1908, it would always be open to the fifth respondent to refuse registration on that ground. 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

