

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.47445 of 2018

ORDER:

The grievance of the petitioner in this case is that the Sub-Registrar, Stamps and Registration Department, Tandur, Ranga Reddy District, is not receiving and registering the sale deed presented by him in relation to the land admeasuring Acs.5.00 guntas in Survey No.52/113 (New), old Survey No.264 of Kokat Village, Yalal Mandal, Vikarabad District.

It is the case of the petitioner that the registration authorities are insisting upon production of a "No Objection Certificate" from the revenue authorities as a condition precedent for entertaining the document for registration.

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 a document for registration. A similar view was taken by a learned Judge of the common High Court for the States of Telangana and Andhra Pradesh in NUTHAKKI VENKATA PURNACHANDRA RAO V/s. GOVERNMENT OF ANDHRA PRADESH¹.

That being so, the writ petition is disposed of directing the Sub-Registrar, Stamps and Registration Department, Tandur, Ranga Reddy District, to entertain the document presented by the petitioner for

¹ 2015 (1) ALD 527

registration without insisting upon production of a 'No Objection Certificate' from the revenue authorities. In the event the said document is found to be in order, the Sub-Registrar shall complete the registration formalities in accordance with the due procedure and release the document. However, if he chooses to exercise power under Section 76 of the Registration Act, 1908, and refuse registration, he shall pass a reasoned order and communicate the same to the petitioner. The entire exercise shall be completed expeditiously and in any event, within one month from the date of receipt of a copy of this order.

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

