
(2012) 07 AP CK 0011

In the Andhra Pradesh High Court

Case No : Writ Petition No. 21791 of 2012

K.N. Aruna Kumari and others

APPELLANT

Vs

Joint Collector, Anantapur District and others

RESPONDENT

Date of Decision : 20-07-2012

Acts Referred:

Registration Act, 1908 — Section 71

Citation : (2013) 3 ALD 378 : (2012) 5 ALT 626(1)

Hon'ble Judges : R. Subhash Reddy, J

Bench : Single Bench

Advocate : Karanam Ravi Sankar Babu, for the Appellant;

Judgement

R. Subhash Reddy, J.—This writ petition is filed seeking a Mandamus declaring the action of the 4th respondent in insisting for "No Objection Certificate" for the purpose of registering the document in respect of the land admeasuring Ac.1.50 cents in Sy.No. 431/2 situated at Hindupur village and Mandal, Anantapur District. It is the case of the petitioners that originally the land to an extent of Ac.14.14 cents in Sy.No. 431 of Hindupur Village and Mandal, Anantapur District, was assigned to one D. Kadirappa in the year 1928. Thereafter, the said land was sub-divided and one Maddileti was granted D-form patta in respect of the land to an extent of Ac.2.98 cents in Sy.No. 431/2. Subsequently, several transactions took place in respect of the said land. The petitioners claim that they are the legal heirs of one Smt. Sakunthamma, who purchased the land to an extent of Ac.1.50 cents in Sy.No. 431/2, and after the death of the said Sakunthamma, the said property devolved on them.

2. In this writ petition, it is the grievance of the petitioners that when they wanted to sell their land and approached the 4th respondent for registration of the sale deeds in favour of third parties, the 4th respondent is not entertaining the same and insisting on submission of "No Objection Certificate" from the revenue authorities on the premise that the land sought to be sold by them was assigned land and the same cannot be transferred.

3. It is the case of the petitioners that as their land was originally assigned in the year 1928 without any condition of non-alienation, there is no reason or justification for the 4th respondent in insisting for submission of "No Objection Certificate" from the revenue authorities. In support of their claim, the petitioners relied on a case in Joint Collector and Others Vs. P. Harinath Reddy and Others,

4. Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents.

5. It is to be noticed that there is no proof of the petitioners submitting the documents for registration before the 4th respondent. Under the provisions of the Registration Act, 1908 (for short "the Act"), there cannot any objection for receiving the documents presented for registration. However, if the registering authority has any objection for registration of the document, it is empowered to record the reasons as contemplated u/s 71 of the Act and communicate the same to the parties.

6. Since it is the case of the petitioners that their land was originally assigned in the year 1928 without any condition of prohibition for alienation and in the absence of any provision in the Act to insist the submission of "No Objection Certificate" from the competent authorities, I deem it appropriate to dispose of the writ petition permitting the petitioners to present the document in respect of the land to an extent of Ac.1.50 cents in Sy.No. 431/2 situated at Hindupur village and Mandal, Anantapur District, before the 4th respondent for registration, and thereupon, the 4th respondent is directed to receive the same without insisting for production of "No Objection Certificate" from the revenue authorities and consider the same for registration, provided the same is in accordance with the provisions of the Indian Stamp Act and the Registration Act, 1908. However, it is made clear that if the 4th respondent has any objection for registration of the document, it shall record the reasons for refusal of registration as contemplated u/s 71 of the Act and communicate the same to the parties. Further, while submitting the document, it is left open to the petitioners to bring to the notice of the 4th respondent about the judgment in the case in Joint Collector, Ranga Reddy District, referred to supra in support of their claim that in the absence of any condition for non-alienation of the land, there cannot be any impediment for registration.

7. Subject to the above directions, the writ petition is disposed of. No order as to costs. As a sequel, the miscellaneous petitions, if any, stand disposed of as infructuous.