

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO :26945 of 2010

ORDER:

The petitioner's grievance is with regard to the action of the Sub-Registrar, Addanki Mandal, Prakasam District, in not releasing her sale deed bearing document No.4950/2010 dated 11.10.2010. The said sale deed pertained to an extent of land admeasuring Ac.26.00 cents in Sy.Nos.312/1, 313/2, 314/3, 315(RS No.312) of Boorupalli village, Maddipadu Mandal, Prakasam District.

It is the case of the petitioner that when she presented the said sale deed to the registration authorities, she was instructed that unless she obtained a No Objection Certificate (NOC) from the revenue authorities her document would not be registered. She accordingly obtained a No Objection Certificate from the Tahsildar, Maddipadu Mandal to the effect that the subject lands were shown to be patta lands in the revenue records and therefore, the said authority had no objection to any transaction in respect thereof. In spite of the same, the Sub-Registrar, Addanki Mandal, did not release the petitioner's document. Hence, this writ petition.

In his counter, the Sub-Registrar, Addanki, stated that the petitioner's document had not been allotted the number claimed by her. According to him, the petitioner had presented two documents, which were kept pending with P.D. Nos.49 and 50 of 2010. The reason for the same is stated to be the necessity of obtaining a No Objection Certificate from the Revenue Divisional Officer concerned. As the petitioner had only produced a No Objection Certificate from the Tahsildar, Maddipadu Mandal and not from the Revenue Divisional Officer, the Sub-Registrar, Addanki stated that it could not be held that the subject land was a private land.

This Court has time and again held that it is not open to the registration authorities to insist upon a No Objection Certificate from

the revenue authorities as a condition precedent for effecting registration of documents. If any prohibition is to be put in place by the Government in respect of any land on the ground that the same belongs to it, a notification under Section 22-A(2) of the Registration Act, 1908 has to be issued. In the absence of such a notification, on the basis of mere entries in the revenue records, the revenue authorities cannot restrain the registration authorities from discharging their functions under the Registration Act 1908. Similarly, the registration authorities cannot insist on production of a No Objection Certificate from the revenue authorities certifying that the land involved is not a Government land. In any event, in the present case the Tahsildar, Maddipadu Mandal, has already certified that the subject land is not a Government land. That being so, the insistence by the Sub-Registrar, Addanki Mandal that there should be further certification to this effect from the Revenue Divisional Officer concerned is clearly an exercise in futility.

The Writ Petition is accordingly allowed directing the Sub-Registrar, Addanki Mandal, Prakasam District, to release the petitioner's documents, which are kept pending as PD Nos.49 and 50 of 2010, relating to the land situated in Sy.Nos.312/1, 313/2, 314/3, 315(RS No.312) of Boorupalli village, Maddipadu Mandal, Prakasam District. In the circumstances, there shall be no order as to costs.

Justice Sanjay Kumar

Dated:28.2.2011
Note:CC in three days
B/O (Nn).

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