

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.34423 of 2013

Dated : 29.11.2013

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Between:

S.Mahaboobn Basha, S/o late Mitai Sahebpeer Sab
and others

.. Petitioners

And

The State of Andhra Pradesh
Rep. by its Principal Secretary and others

.. Respondents

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ORDER :

The grievance of the petitioners is with regard to the insistence by the registering authorities on production of 'No Objection Certificates' (NOCs) from the Revenue Authorities as a condition precedent for receiving and registering the documents presented by them for registration in connection with immovable properties.

2. This Court has time and again held that there is no legal sanction for the action of the Registration Authorities in insisting upon such certification from the Revenue Authorities before entertaining documents for registration. Further, the Government of Andhra Pradesh issued Memo No.49938/Regn.I/A1/2012-4, dated 06.12.2012, requesting the Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh, to instruct all the Registering Officers in the State not to ask for NOCs from the Revenue Authorities before registration and not to act on any such NOCs.

3. On similar issue, batch of writ petitions were disposed of by this Court by an order, dated 28.06.2013. Aggrieved by the order in W.P.No.12376 of 2013, dated 24.04.2013, the District Collector, Chittoor District, filed Writ Appeal No.1653 of 2013. The Division Bench of this Court affirmed the decision of the learned Single Judge. The Division Bench issued the following directions:

“Accordingly, we affirm the judgment and order of the learned Single Judge. We direct henceforth that no Government official shall act or take action in any manner unless that official concerned is authorized by law. Accordingly, the No Objection Certificate which has hitherto been asked for registration of the document shall not be demanded any more unless it is authorized by an appropriate enactment with prospective effect and not retrospective effect.

We feel that this judgment has got tremendous public importance. Therefore, a copy of this judgment shall be circulated to all the District Registrars, who in turn, shall issue instructions to their officers concerned under his control.”

4. It is unfortunate that the Registering Authorities continue to insist upon “No Objection Certificate” from the Revenue Authorities before receiving the documents pertaining to immovable properties.

5. The Writ Petition is disposed of directing the Sub-Registrar, Piler, Chittoor District-5th respondent to receive and process the documents presented by the petitioners without insisting upon such NOC and in the event the document presented fulfil the requirements of the Registration Act, 1908, and the Indian Stamp Act, 1899, he shall register and release the documents in accordance with the due procedure. If, however the 5th respondent is of the opinion that the

document presented for registration warrants denial, he shall pass orders in writing indicating the reasons for such refusal and communicate the same to the party in accordance with Section 71 of the Registration Act, 1908. There shall be no order as to costs.

Miscellaneous petition, if any, pending in this writ petition, shall stand closed.

November 29th, 2013.
ssp

P.NAVEEN RAO, J