

HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9195 of 2013 & batch

(W.P. Nos. 9196, 9204, 9219, 9225, 9229, 9230, 9231, 9232, 9237,
9243, 9253, 9262 & 9289 of 2013)

Date: March 28, 2013

WRIT PETITION No.9195 of 2013

Between:

Eediga Lakshmi Narasamma and two others ...
Petitioners

And

1. The State of A.P,
rep. by its District Collector,
Anantapur, Anantapur District & 2 others. ...
Respondents

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COMMON ORDER:

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The grievance of the petitioners in this batch of cases 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. In the light of the above, it is not open to the Registering Authorities to continue to insist upon prior certification by the Revenue Authorities before receiving and registering documents pertaining to immovable properties.

4. The writ petitions are accordingly disposed of directing the Registering Authorities concerned to receive and process the documents presented by the petitioners without insisting upon such NOCs and in the event the documents presented fulfil the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899, they shall register and release the documents in accordance with the due procedure. If, however, the Registering Authority concerned 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. Pending W.P.M.Ps in this batch of cases shall stand closed in the light of this final order. No costs.

SANJAY KUMAR, J

Date: March 28, 2013.
PAB/BSB

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