HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.18191 of 2015

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ORDER:

The petitioner seeks registration of an agreement of sale dated 18-01-2013. This writ petition is filed questioning the market value adopted by the Registrar on the basis of G.O.Ms.No.157, Revenue (Registration-I) Department, dated 30-03-2013.

Learned counsel for the petitioner states that the said G.O. was struck down by this Court in P.I.L.No.274 of 2013, dated 23-09-2013 and as such, the market value fixed under the said G.O. cannot be adopted.

Learned counsel for the petitioner also placed reliance upon the decision of this Court in W.P.No.30463 of 2013, dated 28-10-2013, wherein this Court disposed of the said writ petition by observing as follows :-

> "The writ petition is disposed of with a direction to the Sub-Registrar, Rajendranagar Registration Office, Rajendranagar, Ranga Reddy District (2^{nd} respondent) to receive and register the sale deed dated 18.10.2013 pertaining to the property bearing Municipal No.6-4-12/1 (corresponding to Old No.4-108/26), Shivarampally, Katedan Village, Rajendranagar Mandal, Ranga Reddy District, without insisting on payment of stamp duty and registration charges as revised in G.O.Ms.No.157, dt.30.03.2013. The 2^{nd} respondent shall determine the stamp duty and registration charges payable on the property as per the valuation fixed prior to orders in G.O.Ms.No.157, dated 30.03.2013."

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

It is stated by the learned Government Pleader for Revenue that the S.L.P. is pending before the Hon'ble Supreme Court against the judgment of this Court in PIL referred to above and as such, the validity of G.O.Ms.No.157 is subjudice. However, since no stay is granted by the Hon'ble Supreme Court, the registering authority is required to adopt the valuation as was existing prior to issuance of G.O.Ms.No.157, dated 30.03.2013.

The writ petition is, therefore, disposed of directing the 2nd respondent to process the petitioner's document for registration by adopting the valuation as existed prior to issuance of G.O.Ms.No.157, dated 30.03.2013. It is made clear that in the event of validity of the said G.O. is being upheld, the petitioner will be liable to pay deficit stamp duty and registration fee on the revised market value and to that extent, there shall be a charge on the property covered by document directed to be registered by this order. No order as to costs.

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

VILAS V.AFZULPURKAR, J

Date: 23-06-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

<u>W.P.No. of 2015</u>

<u>23-06-2015</u>

Prv