

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

MONDAY, THE FIRST DAY OF JUNE,
TWO THOUSAND AND FIFTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WP .NO: 14350 of 2015
AND
WPMP.NO: 18766 of 2015

Between:

- 1 A. Subhash Reddy, S/o Late A.Naryana Reddy,
 - 2 A. Aruna Reddy, W/o A. Subhash Reddy,
- Both are residents of Plot No.38, H.No.3-34-80, Brindavanam, Road No.4,
Threemurthy colony, Mahendra Hills, East Maredpally, Secunderabad- 500
026.

..... Petitioners in both petitions

AND

- 1 State of Telangana, represented by Secretary, Revenue Department,
Secretariat, Hyderabad.
- 2 District Registrar, Hyderabad District, Hyderabad.
- 3 Sub Registrar, Maredpally, Secunderabad.

.....Respondents in both petitions

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a writ, order or direction more particularly in the nature of writ of mandamus declaring the action of the 3rd respondent in not registering the petitioner's sale deed dated 04.05.2015 in respect of Plot No.38, in Survey No. 74/12, admeasuring 600 sq. yards with building consisting of plinth area admeasuring 2075 sft. in the layout of Threemurthy Co-operative Housing Society Limited, Mahendra Hills, East Maredpally, Secunderabad as illegal, arbitrary, and against the provisions of law and consequently direct the 3rd respondent to register the sale deed presented by petitioners pertaining to Plot No.38, in Survey No. 74/12, admeasuring 600 sq. yards with building consisting of plinth area admeasuring 2075 sft. in the layout of Threemurthy Co-operative Housing Society Limited, Mahendra Hills, East Maredpally, Secunderabad and release the same.

WPMP.NO: 18766 of 2015

Petition under Section 151 of C.P.C. Praying that in the circumstances stated in the affidavit filed in the W.P., the High Court may be pleased to direct the 3rd respondent to receive and register the sale deed, dated 04.05.2015 pertaining to property in respect of Plot No.38, in Survey No. 74/12, admeasuring 600 sq. yards with building consisting of plinth area admeasuring 2075 sft. in the layout of Threemurthy Co-operative Housing Society Limited, Mahendra Hills, East Maredpally, Secunderabad and release the same, pending disposal of WP No. 14350 of 2015 on the file of the High Court.

These petitions coming on for hearing, upon perusing the Petition and the

affidavit filed herein and upon hearing the arguments of Sri D. Devender Rao, Advocate for the Petitioners and G.P. for Revenue (TG) for the Respondents, the Court made the following

ORDER:

It is represented by the learned counsel that this matter is similar to the one considered by this court in W.P.No.8219 of 2015. Hence, there shall be a similar order as under:

“Rule nisi. Call for records.

Notice returnable in four weeks.

Petitioners intend to purchase a property bearing plot No.38 covered by Survey No.74/12 of East Marredpally, Secunderabad. When a document is presented for registration, an endorsement was made thereon stating that the property in question falls in one of the categories mentioned in Section 22-A of the Registration Act, 1908.

The petitioners contend that L.G.C.No.167 of 1997 and batch was filed against more than 2000 persons of Marredpally alleging that they have grabbed the Government land in Survey No.74 and that the Special Court constituted under the provisions of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, Hyderabad, rejected the claim of the Government. The writ petition filed by the Government is said to be pending.

After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue appearing for the respondents, this Court is of the view that the document presented by the petitioners cannot be kept pending any longer. Once the claim of the Government that the land in Survey No.74 belongs to it was rejected and the order passed by the Special Court was not suspended by this Court, the document presented by the petitioners deserves to be registered.

In that view of the matter, if any document is presented by the petitioners, respondents 2 and 3 are directed to receive and process it for registration and release the same, if it is in accordance with the provisions of the Registration Act, 1908 and the Indian Stamp Act, 1899. However, registration of such document shall be subject to the outcome of the writ petition filed against L.G.C.No.167 of 1997 and batch.”

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
 - 2 The District Registrar, Hyderabad District, Hyderabad.
 - 3 The Sub Registrar, Maredpally, Secunderabad.
- (Addressees 1 to 3 BY RPAD)**
- 4 One CC to Sri D. Devender Rao, Advocate (OPUC)
 - 5 Two CCs to the G.P. for Revenue (Telangana), High Court, Hyderabad. (OUT)

6 One spare copy.
nnr

HIGH COURT

VVA,J

DATED: 01-6-2015

ORDER

**W.P.NO. 14350 OF 2015
AND
WPMP.NO. 18766 OF 2015**

DIRECTION

HIGH COURT

Nnr

Date of Drafting : 04-06-2015

VVA,J

DATED: 01-6-2015

ORDER

**W.P.NO. 14350 OF 2015
AND
WPMP.NO. 18766 OF 2015**

DIRECTION

