HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY ,THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE P NAVEEN RAO

WRIT PETITION NO: 21138 OF 2020

Between:

Chinthamaneni Sowjnya, W/o CH.V. Krishna Rao, aged. 65 years, Occ.Housewife, R/o. Plot No.19, second floor, Navodaya Colony, Yellareddiguda, Hyderabad

...PETITIONER

AND

1. The state of Telangana, rep.by its principal secretary for home department, Secretariat, Hyderabad
2. The Commissioner of Police, Rachakonda, Vayupuri Colony, Beside Malkajigiri Court Complex, Neredmet - 500056
3. The District Registrar, (FAC), Registration and Stamps Department, Ranga Reddy District
4. The Station House Officer, P.S.Ibrahimpatnam, Rachakonda Commissionarate , Ranga Reddy District
5. Mohammad Gouse Moinuddin, S/o.Late Khaja Moinuddin, Aged.68 years, R/o.H.Noo.9-4-87/A/B, Toll Chowki, Hyderabad
6. Mohammad Azizuddin, S/o,Late Khaja Moinuddin, Aged.66 years, R/o.H.Noo.9-4-87/A/B, Toli Chowki, Hyderabad
7. Mohammad Hafeezuddin, S/o.Late Khaja Moinuddin, Aged.64 years, R/o.H.Noo.9-4-87/A/B, Toli Chowki, Hyderabad
8. Mohammad Muneeruddin, S/o.Late Khaja Moinuddin, Aged.62 years, R/o.H.Noo.9-4-87/A/B, Toli Chowki, Hyderabad
9. Mohammad Rafiquddin, S/o.Late Khaja Moinuddin, Aged.60 years, R/o.H.Noo.9-4-87/A/B, Toll Chowki, Hyderabad
10. Mohammad Mazuruddin, S/o.Late Khaja Moinuddin, Aged.58 years, R/o.H.Noo.9-4-87/A/B, Toll Chowki, Hyderabad
11. Budidhl Sudershan Reddy, S/o.Yella Reddy, Aged.72 years, R/o.Kappapahad Village, Ibrahimpatnam Village, Ranga Reddy District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of mandamus, to declare the action of the respondent No. 4 in not taking action on the orders of the 3rd respondent in Lr.No.4779/G1/2020, dated 18/5/2020 catogorically directed the 4th respondent to confirm whether allegations are true to the extent that the Respondent No.10 was not available in India during the execution of sale deed No.1115/2006, dated 30/8/2006 in favor of the 11th respondent by the impersonating as Mohammad Mazuruddin fraudlently transferred my part of land to an extent of Ac.26.00gts out of total land to an extetn of Ac.432-00 gts is as illegal, arbitrary, unjust and violation of principles of natural justice and violation of articles 21 and 300-A of the Constitution of India and consequently direct the Respondent Nos. and 2 and 4 to take necessary action on the orders of the 3rd respondent in Lr.No.4779/G1/2020, dated 18/5/2020.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pass orders forthwith directing the Respondent Nos. 2 and 4 to take necessary action on the orders of the 3rd respondent in Lr.No.4779/G1/2020, dated 18/5/2020 pending disposal of the main Writ Petition.

Counsel for the Petitioner:SRI. PULLA RAO YELLANKI

Counsel for the Respondent Nos. 1, 2 & 4: AGP FOR HOME

Counsel for the Respondent No. 3: GP FOR STAMPS & REGISTRATION

Counsel for the Respondent Nos. 5 to 11:

The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.21138 of 2020

ORDER :

Heard learned counsel for petitioner and learned Assistant Government Pleader for Home.

2. Petitioner claims to be having dispute with reference to the land to an extent of Ac.432-00 guntas in survey No.139-13, 137-166 of Kappapahad village, Ibrahimpatnam. According to petitioner, she purchased the total extent of land from Khaja Moinuddin and his sons through agreement of sale dated 02.11.1998 and on the same day possession was delivered. After death of Khaja Moinuddin, persons named in paragraph No.4 of the affidavit filed in support of writ petition sold part of that land i.e. Ac.26-00 guntas to Budidhi Sudershan Reddy through registered sale deed dated 30.08.2006 registered in the Sub-Registrar, SRO, Ibrahimpatnamm by impersonating one Mohd.Mazuruddin and affixing his photos on the form and finger prints of him. At the time of alleged registration, said Mazuruddin was living in United States of America (U.S.A.) and same was confirmed by his brother. To work out her further remedies, petitioner claimed to have represented to the District Registrar to furnish details of registration and also informed the District Registrar that there was impersonation and fraudulent transaction was made and elicited information from him. The District Registrar in turn addressed a letter to the Station House Officer, Ibrahimpatnam to find out as to whether Mohd.Mazuruddin was living in U.S.A. on the date when the sale transaction was registered. Alleging that there was no response from the police on

the letter written by the District Registrar on 18.05.2020, this writ petition is filed.

3. Without entering into the claim of the petitioner and allegations of impersonation, *prima facie*, it is seen that the District Registrar seeks information from the Station House Officer, Ibrahimpatnam as to whether person by name Mohd.Mazuruddin was actually living in U.S.A. or was in India when registration formalities were completed. Said information cannot be available with local police, more particularly when no crime was registered and there was no occasion for the police to investigate on the aspect. Said information may be available only with the Ministry of External Affairs, Government of India.

4. Since the request made to the District Registrar itself is not valid, this Court cannot grant Mandamus directing the Station House Officer of Ibrahimpatnam Police Station to furnish information. This writ petition is misconceived.

5. Accordingly, the writ petition is dismissed. However, it is made clear that this order does not come in the way of petitioner filing appropriate application before the competent authority to elicit information on the issue of travel particulars of Mohd.Mazuruddin. Pending miscellaneous petitions, if any, shall stand closed.

SD/-L.LAKSHMI BABU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, P.S.Ibrahimpatnam, Rachakonda Commissionarate , Ranga Reddy District
2. One CC to Sri. Pulla Rao Yellanki Advocate [OPUC]
3. Two.CCs to GP for Home, High Court for the State of Telangana. [OUT]
4. Two CCs to the GP for Stamps & Registration, High Court for the State of Telangana. (OUT)
5. Two CD Copies.

PM

HIGH COURT

DATED:22/12/2020

ORDER

WP.No.21138 of 2020



Dismissing the WP

SSV
8 copies
Dt 2/01/2021