

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

WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 12979 OF 2021

Between:

1. Mir Zulfekhar Ali, S/o Syed Ibrahim, Aged about 49 years, Occ: Business, R/o H.No.12-2-338/3, Murad Nagar, Mehdiapatnam, Hyderabad
2. Mohammed Abdul Sattar, S/o Late Mohammed Hussain Aged about 55 years, Occ: Business R/o H.No.9-3-58/138/2, Mohammedi Line, Afsar Khan Colony, Toli Chowki, Golconda, Hyderabad

...PETITIONERS

AND

1. The State of Telangana, Rep by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad.
2. The Inspector General, Stamps and Registration Department, Office at Moazzam Jahi Market, Hyderabad
3. The District Registrar, Sanga Reddy District, Office at Sanga Reddy Town, Sanga Reddy District
4. The Tahsildar/Sub Registrar, Zaheerabad Mandal, Office at Zaheerabad Town, Sanga Reddy District
5. Syed Nayeem, S/o Syed Mustafa, Aged about 50 years, Occ. Business. R/o H.No.18-3-212/30/25/14, Jahangir Nagar, Talab Katta Charminar Hyderabad

...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 a Writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondent No.4 in not receiving and registering the Sale Deeds submitted by the Petitioners relating to land in Sy.No.338/A, admeasuring Ac.08-00 gts situated at Zaheerabad Town and Mandal, Sanga Reddy District, as highly illegal and arbitrary.

IA NO: 1 OF 2021

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 direct the Respondent No.4 to receive and register Sale Deeds submitted by the Petitioners in respect of the land in Sy.No.338/A, admeasuring Ac.08-00 gts situated at Zaheerabad Town and Mandal, Sanga Reddy District, pending disposal of the Writ Petition.

Counsel for the Petitioners: SRI. A. NAJEEB KHAN

Counsel for the Respondent Nos.1 to 4: AGP FOR REVENUE

Counsel for the Respondent No.5: NONE APPEARED

The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.12979 of 2021

ORDER :

This writ petition is filed praying to grant the following relief :

".... Declaring the action of the Respondent No.4 in not receiving and registering the Sale Deeds submitted by the Petitioners relating to land in Sy.No.338/A, admeasuring Ac.08.00 gts situated at Zaheerabad Town and Mandal, Sanga Reddy District, as highly illegal and arbitrary and pass such other order or orders...."

2. Heard Sri A Najeeb Khan, learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue for respondents.
3. Petitioners claim to be the joint owners and in possession of Acs.08-00 guntas of land in Sy.No.338/A of Zaheerabad Town and Mandal, Sanga Reddy District, having purchased the same from Chinta Ram Mohan by registered sale deed dated 20.11.2017. According to petitioners, Chinta Ram Mohan was owner of Acs.19-36 guntas of land in Sy.No.338/A from out of which he sold Acs.08-00 guntas of land to the petitioners. Petitioners aver that Chinta Ram Mohan entered into an agreement of sale of Acs.10-00 guntas with Syed Nayeem, the 5th respondent. Petitioners further aver that Chinta Ram Mohan failed to perform his part of the contract. Therefore, 5th respondent instituted OS No.258 of 2018, pending in the Court of Family Court-Cum-VII Additional Sessions and District Judge, Sanga Reddy District. Petitioners intend to dispose of the property. At that stage, they came to know that based on an injunction order granted in OS No.258 of 2018, the entire extent of land in Sy.No.338/A is shown in the list of prohibited properties and the Sub Registrar is refusing to accept

deeds of conveyance covering the above extent of land. Hence, this writ petition is filed.

4. According to the learned counsel for petitioners, there is no dispute with reference to the land purchased by petitioners. Only after excluding the land purchased by the petitioners, there was an agreement between Chinta Ram Mohan and 5th respondent to an extent of Acs.10-00 guntas and the 5th respondent is contesting against Chinta Ram Mohan to get Acs.10-00 guntas of land. Thus, injunction order granted by the Trial Court is applicable only to the Acs.10-00 guntas of land and on the rest of the land there cannot be any bar from alienation. According to the learned counsel for petitioners, due to some misunderstanding by the respondent authorities, petitioners are subjected to unnecessary hardship and suffering.

5. The injunction order of the Trial Court in I.A. No.1063 of 2018 is placed on record as Ex.P.2. From a reading of the order, it is clear that the Trial Court directed the respondent therein "not to alienate the suit schedule property until further orders". The suit schedule property describes the extent of land as Acs.10-00 guntas and survey number shown as Sy.No.338/A, Zaheerabad Village, Sanga Reddy District with boundaries. The petitioners land is also located in the same survey number. After the purchase of land, no further sub division is assigned to the petitioners. When it comes to the registering authority, he is only required to look at the injunction order granted by the competent Court and the description of the land shown in the schedule. The schedule clearly refers to the survey number. It may be true that in the same survey number the original owner had larger extent of land and

even after selling the land to petitioners, remaining extent of land is only the dispute between Chinta Ram Mohan and 5th respondent, but this is a fact which has to be urged before the Trial Court where the suit is pending and until and unless, the Trial Court clarifies and clearly indicates that the injunction order is operating to the extent of claim of the plaintiff therein, the registering authority cannot entertain deeds of conveyance on land in Sy.No.338/A.

6. At this stage, learned counsel for the petitioners sought to contend that there is variation in the records maintained by the revenue authorities and the registering authorities and in the records available with the registering authorities further sub-division number is mentioned describing various extents of land. If what is stated by the petitioners is true, they have to apply and see that the records are corrected or they may be entitled to apply for assignment of separate sub-division. Therefore, until and unless such steps are taken or a clarification is issued by the Trial Court, where the suit is pending, I do not see any error in the registering authority refusing to accept deeds of conveyance. Thus, leaving it open to the petitioners to work out their remedies, as available in law the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

//TRUE COPY//

SD/-T.KRISHNA KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to Sri A. Najeer Khan, Advocate [OPUC]
2. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CD Copies

CHR

2/4

HIGH COURT

DATED:16/06/2021

ORDER

W.P.No.12979 of 2021



DISMISSING THE WRIT PETITION
WITHOUT COSTS

⑤
20/6/21
744