

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

**MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO**

**PRESENT
THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY**

WRIT PETITION NO: 2623 OF 2022

Between:

1. Mrs. Hamida Banu Begum, W/o Mohammed Osman,
2. Mohammed Salman, S/o Mohammed Osman,

...Petitioners

AND

1. The State of Telangana, Represented by its Principal Secretary, Revenue Department Secretariat, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Telangana, Hyderabad.
3. The District Registrar, Hyderabad District, Hyderabad.
4. The Sub-Registrar, Gandipet, 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 pass an order, direction or writ more particularly one in the nature of writ of mandamus declaring the action of the Respondent No.4 in refusing to receive, process to register and release the Partition Deeds/Gift Deeds/Release Deeds/Sale Deeds/Agreement of Sale-cum-General Power of Attorney/ Agreement of Sale-cum-General Power of Attorney with Possession to be presented by the Petitioner in respect of (1) Flat No.301 in Third Floor, admeasuring 1297 sft including common area and Car Parking, along with undivided share of land admeasuring 27.27 sq.yds (2) Flat No.302 in Third Floor, admeasuring 1288 sft including common area and Car Parking, along with undivided share of land admeasuring 27.27 sq.yds (3) Flat No.401 in Fourth Floor, admeasuring 1297 sft including common area and Car Parking, along with undivided share of land admeasuring 27.27 sq.yds (4) Flat No.402 in Fourth Floor, admeasuring 1288 sft including common area, along with undivided share of land admeasuring 27.27 sq.yds

(5) Flat No.501 in Fifth Floor, admeasuring 1297 sft including common area and Car Parking, along with undivided share of land admeasuring 27.27 sq.yds, (6) Flat No.502 in Fifth Floor, admeasuring 1288 sft including common area, along with undivided share of land admeasuring 27.27 sq.yds and (7) Flat No.601 (Pent House) in Sixth Floor, admeasuring 1660 sft including common area and Car Parking, along with undivided share of land admeasuring 27.27 out of 300 sq.yds in premises bearing H.No. 6-1-12 on plot Nos. 12 and 13, in Sy No. 22(part), 23, 24, 25 and 26, admeasuring 300 Sq. yards situated at G.S.Royal Colony, Neknampur Village and Gram Panchayat, Rajendra Nagar Mandal, Ranga Reddy District, Telangana by referring the grounds of Memo No.G2/257/2019 Dated 26.08.2020 issued by the Respondent No.2 as illegal, arbitrary unjustified and against to the provisions of law and consequently direct the Respondent No.4 to receive and register the Partition-Deeds/Gift Deeds/Release Deeds/Sale Deeds/ Agreement of Sale-cum-General Power of Attorney/ Agreement of Sale-cum-General Power of Attorney with Possession to be presented by the Petitioners pertaining to the above property thereby to release the same in accordance with law without referring the grounds of Memo No.G2/257/2019 Dated 26.08.2020;

IA NO: 1 OF 2022:

Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed in the writ petition, the High Court may be pleased to Direct the Respondent No.4 to receive, process to register the Partition Deeds/Gift Deeds/Release Deeds/Sale Deeds/Agreement of Sale-cum-General Power of Attorney/ Agreement of Sale-cum-General Power of Attorney with Possession to be presented by the Petitioner in respect of (1) Flat No.301 in Third Floor, admeasuring 1297 sft including common area and Car Parking, along with undivided share of land admeasuring 27.27 sq.yds (2) Flat No.302 in Third Floor, admeasuring 1288 sft including common area and Car Parking, along with undivided share of land admeasuring 27.27 sq.yds (3) Flat No.401 in Fourth Floor, admeasuring 1297 sft including common area and Car Parking, along with undivided share of land admeasuring 27.27 sq.yds (4) Flat No.402 in Fourth Floor, admeasuring 1288 sft including common area, along with undivided share of land admeasuring 27.27 sq.yds (5) Flat No.501 in Fifth Floor, admeasuring 1297 sft including common area and Car Parking, along with undivided share of land admeasuring 27.27 sq.yds, (6) Flat No.502 in Fifth Floor, admeasuring 1288 sft including common area, along with undivided share of land admeasuring 27.27 sq.yds and (7) Flat No.601 (Pent

House) in Sixth Floor, admeasuring 1660 sft including common area and Car Parking, along with undivided share of land admeasuring 27.27 out of 300 sq.yds in premises bearing H.No. 6-1-12 on plot Nos. 12 and 13, in Sy No. 22(part), 23, 24, 25 and 26, admeasuring 300 Sq. yards situated at G.S.Royal Colony, Neknampur Village and Gram Panchayat, Rajendra Nagar Mandal, Ranga Reddy District, Telangana without referring the Memo No.G2/257/2019, Dated 26.08.2020 issued by the Respondent No.2 thereby to release the same;

Counsel for the Petitioners : SRI V.M.M.CHARY

Counsel for the Respondents : GP FOR STAMPS AND REGISTRATION

The Court made the following:

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.2623 OF 2022

ORDER (ORAL) :

Heard both sides and perused the material on record.

2. It is submitted by the learned counsel on either side that subject matter of this writ petition is squarely covered by the common order passed by this Court in W.P. No.328 of 2022 and batch dated 18.02.2022 as modified by the order dated 22.02.2022 in I.A. No.2 of 2022 in W.P. No.2985 of 2022 and batch, and therefore, keeping the matter pending will not serve any purpose, as such, the same may be disposed of in terms thereof.

3. This Court passed interim order in this writ petition directing the respondents to receive, process, register and release the subject document/s. However, conditions were imposed that (a) the petitioner/s is/are not permitted to withdraw the writ petition and (b) registration shall be subject to final result of the writ petition.

4. In view of the above, recording the aforesaid submission of the learned counsel on either side, following the common order dated 18.02.2022 in W.P. No.328 of 2022 and batch as modified by the order dated 22.02.2022 in I.A. No.2 of 2022 in W.P. No.2985 of 2022, in terms thereof, this writ petition is disposed of as under, without any order as to costs:

(A) If the subject document/s has/have already been registered and released pursuant to the interim order;

(i) the document/s registered by the Sub-Registrar shall be subject to outcome of SLP (Civil) No.19695 of 2021 filed by the State Government before the Hon'ble Supreme Court; and

(ii) in case, it is found that there is any violation of law like plots / lands / structures being sold form part of F.T.L. and Buffer Zone / Plots having less than 30 feet road width access, the Sub Registrar shall make an endorsement informing / cautioning the purchasers that risk is involved in purchase of such plots; such transactions are hit by relevant statutory provisions; that registration of the same is subject to outcome of orders of the Hon'ble Supreme Court in SLP (Civil) No.19695 of 2021. To that effect, an

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endorsement shall be made in the encumbrance record, website etc.

(B) If the subject document/s is/are not yet registered and released pursuant to the interim order;

(i) the respondent - Sub-Registrar is directed to register the document of sale, transfer and gift etc., presented for registration by the petitioner/s without reference to the Memo Nos.G2/257/2019 dated 26.08.2020 and 29.12.2020 issued by the respondent - the Commissioner and Inspector General of Registration and Stamps, Telangana; Letter No.45/TP/NMC/2019 dated 01.11.2019 issued by the respondent - the Commissioner, Municipal Corporation, Nizampet to the respondent - the Sub Registrar, Quthbullapur, Ranga Reddy District, and similar letters, if any, issued by the various Municipal Commissioners in the State;

(ii) the Sub Registrars in the State shall make an endorsement at the reverse side of the first page of the document referred in direction No.(i) that registration so done is subject to outcome of SLP (Civil) No.19695 of 2021 filed by the State Government before the Hon'ble Supreme Court; and

(iii) in case, it is found that there is any violation of law like plots / lands / structures being sold form part

of F.T.L. and Buffer Zone / Plots having less than 30 feet road width access, the Sub Registrar shall make an endorsement informing / cautioning the purchasers that risk is involved in purchase of such plots; such transactions are hit by relevant statutory provisions; that registration of the same is subject to outcome of orders of the Hon'ble Supreme Court in SLP (Civil) No.19695 of 2021. To that effect, an endorsement shall be made on the reverse side of the first / second page of the document and also in the encumbrance record, website etc.

As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition stand closed.

//TRUE COPY//

SD/K.SRINIVASA RAO
JOINT REGISTRAR

GB
SECTION OFFICER

To,

1. The State of Telangana, Represented by its Principal Secretary, Revenue Department Secretariat, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Telangana, Hyderabad.
3. The District Registrar, Hyderabad District, Hyderabad.
4. The Sub-Registrar, Gandipet, Hyderabad.
5. Two CCs to GP for Stamps & Registration, High Court of Telangana, at Hyderabad (OUT)
6. one CC to Sri V.M.M. Chary, Advocate (OPLC)
7. Two CD Copies
8. one Spare Copy

**HIGH COURT
DATED:07/03/2022**



ORDER

WP.No.2623 of 2022

WRIR PETITION IS DISPOSED OF WITHOUT COSTS.

(11) copies