

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

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

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 3442 OF 2022

Between:

1. Mr Md Taqi Ur Rahman, S/o late Mohammed Yousuf Ur Rehman, Aged about 40 years, Occ. Pvt employee, R/o H.No. 7-2-57/2, Ashok colony, Sanathnagar, Hyderabad.
2. Mrs Anfa Begum, W/o late Mohd Yaqub Ur Rehman, Aged 68 Yrs, Occ. House Wife, R/o H.No. 7-2-57, Ashok colony, Sanathnagar, Hyderabad.
3. Mr Mohd Mujeeb Ur Rahman, S/o late Mohd Yaqub Ur Rehman, Aged 52 Yrs, Occ. Business, R/o H.No. 7-2-57, Ashok colony, Sanathnagar, Hyderabad.
4. Mr Mohammed Mateen Ur Rahman, S/o late Mohd Yaqub Ur Rehman, Aged 51 Yrs, Occ. Business, R/o H.No. 7-2-57, Ashok colony, Sanathnagar, Hyderabad.
5. Mr Mohammed Mujeed Ur Rahman, S/o late Mohd Yaqub Ur Rehman, Aged 47 Yrs, Occ. Business, R/o H.No. 7-2-57, Ashok colony, Sanathnagar, Hyderabad.
6. Mrs Nikath Jahan, D/o late Mohd Yaqub Ur Rehman, Aged 45 Yrs, Occ. Business, R/o H.No. 7-2-57, Ashok colony, Sanathnagar, Hyderabad.
7. Mrs Najma Jahan, D/o late Mohd Yaqub Ur Rehman, Aged 43 Yrs, Occ. Business, R/o H.No. 7-2-57, Ashok colony, Sanathnagar, Hyderabad.
8. Mrs Salma Jahan, D/o Late Mohd Yaqub Ur Rehman, Aged 41 Yrs, Occ. House Wife, R/o H.No. 7-2-57, Ashok colony, Sanathnagar, Hyderabad.

Rep. by their DGPA Holders i) MR ZIA UL REHMAN, S/o Abdul Rashid, Aged about 43 years, Occ. Business, R/o H.No.10-1-107, Fathenagar, Hyderabad. ii) MRS SHANAZ BANU, W/o Zia Ul Rehman, Aged about 33 years, Occ. Business, R/o H.No.10-1-107, Fathenagar, Hyderabad.

...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, Sanjeeva Reddy Nagar, 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 an appropriate writ, order or direction 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 Petitioners in respect of 1) Flat No.201, Second Floor admeasuring 950 sq.ft including common areas with one car parking 100 Sq feet along with undivided share of land admeasuring 22.5 Sq.yds out of 333 sq.yds, 2) Flat No.202, Second Floor admeasuring 950 sq.ft including common areas with one car parking 100 Sq feet along with undivided share of land admeasuring 22.5 Sq.yds out of 333 sq.yds, 3) Flat No.203, Second Floor admeasuring 965 sq.ft including common areas with one car parking 100 Sq feet along with undivided share of land admeasuring 21.6 Sq.yds out of 333 sq.yds, 4) Flat No.301, Third Floor admeasuring 950 sq.ft including common areas with one car parking 100 Sq feet along with undivided share of land admeasuring 22.5 Sq.yds out of 333 sq.yds, 5) Flat No.302, Third Floor admeasuring 950 sq.ft including common areas with one car parking 100 Sq feet along with undivided share of land admeasuring 22.5 Sq.yds out of 333 sq.yds, 6) Flat No.303, Third Floor admeasuring 965 sq.ft including common areas with one car parking 100 Sq feet along with undivided share of land admeasuring 21.6 Sq.yds out of 333 sq.yds, 7) Flat No.403, Fourth Floor admeasuring 965 sq.ft including common areas with one car parking 100

Sq feet along with undivided share of land admeasuring 21.6 Sq.yds out of 333 sq.yds in the premises bearing H.No. 7-2-57(PTIN 1100721248) and portion of H.No. 7-2-57/2 (PTIN 1170769502) totally admeasuring 333 sq.yds or 275.38 sq.mts, situated at Ashok Colony, Sanathnagar, Hyderabad by referring the grounds of Memo No.G2/257/2019 Dated 26.08.2020 issued by the Respondent No.2 as it being 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 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, 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 Petitioners in respect of 1) Flat No.201, Second Floor admeasuring 950 sq.ft including common areas with one car parking 100 Sq feet along with undivided share of land admeasuring 22.5 Sq.yds out of 333 sq.yds, 2) Flat No.202, Second Floor admeasuring 950 sq.ft including common areas with one car parking 100 Sq feet along with undivided share of land admeasuring 22.5 Sq.yds out of 333 sq.yds, 3) Flat No.203, Second Floor admeasuring 965 sq.ft including common areas with one car parking 100 Sq feet along with undivided share of land admeasuring 21.6 Sq.yds out of 333 sq.yds, 4) Flat No.301, Third Floor admeasuring 950 sq.ft including common areas with one car parking 100 Sq feet along with undivided share of land admeasuring 22.5 Sq.yds out of 333 sq.yds, 5) Flat No.302, Third Floor admeasuring 950 sq.ft including common areas with one car parking 100 Sq feet along with undivided share of land admeasuring 22.5 Sq.yds but of 333 sq.yds, 6) Flat

No.303, Third Floor admeasuring 965 sq.ft including common areas with one car parking 100 Sq feet along with undivided share of land admeasuring 21.6 Sq.yds out of 333 sq.yds. 7) Flat No.403, Fourth Floor admeasuring 965 sq.ft including common areas with one car parking 100 Sq feet along with undivided share of land admeasuring 21.6 Sq.yds out of 333 sq.yds in the premises bearing H.No. 7-2- 57(P TIN 1100721248) and portion of H.No. 7-2-57/2 (PTIN 1170769502) totally admeasuring 333 sq.yds or 276.38 sq.mts. situated at Ashok Colony , Sanathnagar, Hyderabad 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 Petitioner(s) : SRI. V M M CHARY

Counsel for the Respondents: AGP FOR REVENUE (TG)

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.3442 of 2022

ORDER:

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, as such, this writ petition may be disposed of in terms thereof.

3. Therefore, 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:

(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 the writ petition shall stand closed.

Sd/-N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To

1. The Principal Secretary, Revenue Department, State of Telangana, 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, Sanjeeva Reddy Nagar, Hyderabad.
5. One CC to SRI. V M M CHARY Advocate [OPUC]
6. Two CCs to GP FOR REVENUE (TG), High Court for the State of
Telangana. [OUT]
7. Two CD Copies
8. One spare copy

JWS

HIGH COURT

BVR,J

DATED:22/02/2022



ORDER

WP.No.3442 of 2022

**DISPOSING OF THE WP
WITHOUT COSTS**

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25/3/22
JVR