

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

(Special Original Jurisdiction)

**THURSDAY ,THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 10081 OF 2022

Between:

1. GHULAM MUJTABA KHAN, S/o Ghulam Mohd.Khan, Aged about 32 years, Occ Business, R/o 10-5-39/4, Nai Basthi, First Lancer, Hyderabad - 500 028.
2. GHULAM MAHBOOB KHAN, S/o Ghulam Mohd.Khan, Aged about 30 years, Occ Business, R/o 10-5-39/4, Nai Basthi, First Lancer, Hyderabad - 500 028.
3. GHULAM JEELANI KHAN, S/o Ghulam Mohd.Khan, Aged about 28 years, Occ Business, R/o 10-5-39/4, Nai Basthi, First Lancer, Hyderabad - 500 028

...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, Ranga Reddy District.
4. THE SUB-REGISTRAR, Gandipeta, 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 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 Petitioners in respect of (1) Flat No.301, Third Floor, admeasuring 1200 sft including common areas together with undivided share of land admeasuring 20 sq.yds out of 900 sq.yds, (2) Flat No.302, Third Floor, admeasuring 1253 sft including common areas along with one car parking

together with undivided share of land admeasuring 22 sq.yds out of 900 sq.yds, (3) Flat No.303, Third Floor, admeasuring 1268 sft including common areas along with one car parking together with undivided share of land admeasuring 25 sq.yds out of 900 sq.yds, (4) Flat No.304, Third Floor, admeasuring 1268 sft including common areas along with one car parking together with undivided share of land admeasuring 25 sq.yds out of 900 sq.yds, (5) Flat No.401, Fourth Floor, admeasuring 1200 sft including common areas together with undivided share of land admeasuring 20 sq.yds out of 900 sq.yds, (6) Flat No.402, Fourth Floor, admeasuring 1253 sft including common areas along with one car parking together with undivided share of land admeasuring 22 sq.yds out of 900 sq.yds, (7) Flat No.404, Fourth Floor, admeasuring 1268 sft including common areas along with one car parking together with undivided share of land admeasuring 25 sq.yds out of 900 sq.yds, (8) Flat No.501, Fifth Floor, admeasuring 1200 sft including common areas together with undivided share of land admeasuring 20 sq.yds out of 900 sq.yds, (9) Flat No.502, Fifth Floor, admeasuring 1253 sft including common areas along with one car parking together with undivided share of land admeasuring 22 sq.yds out of 900 sq.yds, (10) Flat No.503, Fifth Floor, admeasuring 1268 sft including common areas along with one car parking together with undivided share of land ad measuring 25 sq.yds out of 900 sq.yds, (11) Flat No.504, Fifth Floor, admeasuring 1268 sft including common areas along with one car parking together with undivided share of land admeasuring 25 sq.yds out of 900 sq.yds and (12) Pent House, Sixth Floor, admeasuring 1800 sft including common areas along with one car parking together with undivided share of land admeasuring 30 sq.yds out of 900 sq.yds constructed on Plot Nos.B-212, B-213 and B-214, admeasuring 300 sq.yds each together admeasuring 900 sq.yds in Sy.Nos.96/2 and 96/3, situated at Bandlaguda Jagir Village, Rajendranagar Mandal, Ranga Reddy District 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 lire provisions of law and consequently direct the Respondent No.4 to receive and register the Partition Deeds/Gift Deeds/Release Deeds/ Sae 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.301, Third Floor, admeasuring 1200 sft including common areas together with undivided share of land admeasuring 20 sq.yds out of 900 sq.yds, (2) Flat No.302, Third Floor, admeasuring 1253 sft including common areas along with one car parking together with undivided share of land admeasuring 22 sq.yds out of 900 sq.yds, (3) Flat No.303, Third Floor, admeasuring 1268 sft including common areas along with one car parking together with undivided share of land admeasuring 25 sq.yds out of 900 sq.yds, (4) Flat No.304, Third Floor, admeasuring 1268 sft including common areas along with one car parking together with undivided share of land admeasuring 25 sq.yds out of 900 sq.yds, (5) Flat No.401, Fourth Floor, admeasuring 1200 sft including common areas together with undivided share of land admeasuring 20 sq.yds out of 900 sq.yds, (6) Flat No.402, Fourth Floor, admeasuring 1253 sft including common areas along with one car parking together with undivided share of land admeasuring 22 sq.yds out of 900 sq.yds, (7) Flat No.404, Fourth Floor, admeasuring 1268 sft including common areas along with one car parking together with undivided share of land admeasuring 25 sq.yds out of 900 sq.yds, (8) Flat No.501, Fifth Floor, admeasuring 1200 sft including common areas together with undivided share of land admeasuring 20 sq.yds out of 900 sq.yds; (9) Flat No.502, Fifth Floor, admeasuring 1253 sft including common areas along with one car parking together with undivided share of land admeasuring 22 sq.yds out of 900 sq.yds, (10) Flat No.503, Fifth Floor, admeasuring 1268 sft including common areas along with one Car parking together with undivided share of land admeasuring 25 sq.yds out of 900 sq.yds, (11) Flat No.504, Fifth Floor, admeasuring 1268 sft including common areas

along with one car parking together with undivided share of land admeasuring 25 sq.yds out of 900 sq.yds and (12) Pent House, Sixth Floor, admeasuring 1800 sq.ft including common areas along with one car parking together with Undivided share of land admeasuring 30 sq.yds out of 900 sq.yds constructed on Plot Nos.B-212, B-213 and B-214, admeasuring 300 sq.yds each together admeasuring 900 sq.yds in Sy.Nos.96/2 and 96/3, situated at Bandlaguda Jagir Village, Rajendranagar Mandal, Ranga Reddy District 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. P.ACHUTHAM REDDY

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.10081 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 Roddy 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.

SD/-V.KAVITHA
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, Ranga Reddy District.
4. The Sub-Registrar, Gandipeta, Ranga Reddy District
5. One CC to: SRI. P.ACHUTHAM REDDY Advocate [OPUC]
6. Two CCs to: GP FOR REVENUE, High Court for the State of Telangana.
[OUT]
7. Two CD Copies
8. One Spare Copy.

GB ६२६

BS

HIGH COURT

DATED:24/02/2022



ORDER

WP.No.10081 of 2022

DISPOSING OF THE WP
WITHOUT COSTS.

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[Signature]
01/04/2022