

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

(Special Original Jurisdiction)

**MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

WRIT PETITION NO: 20325 OF 2022

Between:

1. MAZAR ULLAH KHAN, S/o Ahmedullah Khan, Aged about 46 years, Occ. Business, R/o H.No.19-4-280/B/115/27, Tadban, Zoopark Road, Hyderabad.
2. FATIMA BANU, W/o Late Jafar Ali Khan, Aged about 41 years, Occ. Housewife, R/o H.No.22-176/1, Farooq Nagar, Mahaboobnagar District.

...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 JOINT SUB-REGISTRAR, Banjara Hills, 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 of Mandamus or any other appropriate writ or writs, order or orders, 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.401, Fourth Floor, admeasuring 1490 sft including common areas along with car parking together with undivided share of land admeasuring 20.348 sq.yds out of 900 sq.yds, (2) Flat No.402, Fourth Floor, admeasuring 1490 sft including common areas together with undivided share of land admeasuring 20.348 sq.yds out of 900 sq.yds, (3) Flat No.403, Fourth Floor, admeasuring 1815 sft common areas along

with car parking together with undivided share of land admeasuring 25.44 sq.yds out of 900 sq.yds, (4) Flat No.404, Fourth Floor, admeasuring 1815 sft including common areas along with car parking together with undivided share of land admeasuring 25.44 sq.yds out of 900 sq.yds, (5) Flat No.405, Fourth Floor, admeasuring 1128 sft including common areas along with car parking together with undivided share of land admeasuring 15.765 sq.yds out of 900 sq.yds, (6) Flat No.406, Fourth Floor, admeasuring 1128 sft including common areas along with car parking together with undivided share of land admeasuring 15.765 sq.yds out of 900 sq.yds, (7) Flat No.501, Fifth Floor, admeasuring 1490 sft including common areas along with car parking together with undivided share of land admeasuring 20.348 sq.yds out of 900 sq.yds, (8) Flat No.502, Fifth Floor, admeasuring 1490 sft including common areas along with car parking together with undivided share of land admeasuring 25 sq.yds out of 900 sq.yds, (9) Flat No.503, Fifth Floor, admeasuring 1815 sft including common areas along with car parking together with undivided share of land admeasuring 25.44 sq.yds out of 900 sq.yds, (10) Flat No.504, Fifth Floor, admeasuring 1815 sft including common areas along with car parking together with undivided share of land admeasuring 25.44 sq.yds out of 900 sq.yds, (11) Flat No.505, Fifth Floor, admeasuring 1128 sft including common areas along with car parking together with undivided share of and admeasuring 15.765 sq.yds out of 900 sq.yds, (12) Flat No.506, Fifth Floor, admeasuring 1128 sft including common areas along with car parking together with undivided share of land admeasuring 15.765 sq.yds out of 900 sq.yds, (13) Flat No.601, Sixth Floor, admeasuring 1490 sft including common areas along with car parking together with undivided share of land admeasuring 20.348 sq.yds out of 900 sq.yds, (14) Flat No.602, Sixth Floor, admeasuring 1490 sft including common areas along with car parking together with undivided share of land admeasuring 20.348 sq.yds out of 900 sq.yds, (15) Flat No.603, Sixth Floor, admeasuring 1815 sft including common areas along with car parking together with undivided share of land admeasuring 25.44 sq.yds out of 900 sq.yds, (16) Flat No.604, Sixth Floor, admeasuring 1815 sft including common areas along with car parking together with undivided share of land admeasuring 25.44 sq.yds out of 900 sq.yds, (17) Flat No.605, Sixth Floor, admeasuring 1128 sft including common areas along with car parking together with undivided share of land admeasuring 15.765 sq.yds out of 900 sq.yds and (18) Flat No.606, Sixth

Floor, admeasuring 1128 sft including common areas along with car parking together with undivided share of land admeasuring 15.765 sq.yds out of 900 sq.yds constructed on Plot Nos.94, 95 and 96, admeasuring 900 sq.yds (admeasuring Ac.2.30 Gts out of Ac.22.32-6 Gts) in Sy.Nos.41, 174, 177, 178, 180/1, 181, 182 and 211, situated at Tolichowki, Shaikpet Village and Mandal, 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.401, Fourth Floor, admeasuring 1490 sft including common areas along with car parking together with undivided share of land admeasuring 20.348 sq.yds out of 900 sq.yds, (2) Flat No.402, Fourth Floor, admeasuring 1490 sft including areas together with undivided share of land admeasuring 20.348 sq.yds out of 900 sq.yds, (3) Flat No.403, Fourth Floor, admeasuring 1815 sft including common areas along with car parking together with undivided share of land admeasuring 25.44 sq.yds out of 90. sq.yds, (4) Flat No.404, Fourth Floor, admeasuring 1815 sft including common areas along with car parking together with undivided share of land admeasuring 25.44 sq.yds out of 900 sq.yds (5) Flat No.405, Fourth Floor, admeasuring 1128 sft including common areas along with car parking together with undivided share of land admeasuring 15.765 sq.yds out of 900 sq.yds, (6) Flat No.406, Fourth Floor, admeasuring 1128 sft including common areas along with car parking together

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Counsel for the Petitioners: SRI. V.VENKAT RAMANA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE G.ANUPAMA CHAKRAVARTHY

WRIT PETITION No.20325 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 – Joint Sub Registrar, Banjara Hills, Hyderabad is directed to register the document of sale, transfer and gift etc., presented for registration by the petitioner/s, if document is otherwise in accordance with law, 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.

SD/-K.AMAJI
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 Joint Sub-Registrar, Banjara Hills, Hyderabad.
5. One CC to SRI. V.VENKAT RAMANA 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.

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BS

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HIGH COURT

DATED:25/04/2022

ORDER

WP.No.20325 of 2022



DISPOSING OF THE WP
WITHOUT COSTS.

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